

## NATIONAL LABOR RELATIONS BOARD

Harry A. Millis to be a member of the National Labor Relations Board.

POSTMASTER  
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## HOUSE OF REPRESENTATIVES

THURSDAY, NOVEMBER 28, 1940

The House met at 12 o'clock noon and was called to order by the Speaker.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Thou, O Lord, art high above all the earth; light is sown for the righteous and gladness for the upright in heart. We praise Thee that the billowing tides of love and mercy are ever flowing out from the Divine heart. As Thy kingdom is neither meat nor drink, but righteousness, joy, and peace in the Holy Spirit, we thank Thee that herein is the eternal remedy for all human ills. We turn in humble appeal to our Master, who takes unbrotherliness out of the hearts of men, who are so often adrift on the high seas of a turbulent, confusing day. O Thou who art a good God, help us to acquire the best minds and the purest souls which transcend time itself. Blessed Saviour, Thou who art the basis of all worthwhile progress, clothe the Congress with unswerving loyalty to conscious duty; oh, let knowledge and understanding come and wisdom linger. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of Monday, November 25, 1940, was read and approved.

## MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had passed, with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 6324. An act to provide for the more expeditious settlement of disputes with the United States, and for other purposes.

The message also announced that the Senate insists upon its amendments to the foregoing bill, requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. KING, Mr. HATCH, Mr. BURKE, Mr. AUSTIN, and Mr. TAFT to be the conferees on the part of the Senate.

The message also announced that the Senate had passed, without amendment, a bill and a concurrent resolution of the House of the following titles:

H. R. 10465. An act to amend an act entitled "An act to punish the willful injury or destruction of war material, or of war premises or utilities used in connection with war material, and for other purposes," approved April 20, 1918; and

H. Con. Res. 92. Concurrent resolution authorizing the Select Committee Investigating the Interstate Migration of Destitute Citizens to have printed for its use additional copies of its hearings on interstate migration.

## ADJOURNMENT OVER

Mr. COOPER. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee [Mr. COOPER]?

Mr. HOFFMAN. Mr. Speaker, reserving the right to object, cannot that be held until after the unanimous consent requests today?

Mr. COOPER. This is a unanimous consent request.

Mr. HOFFMAN. No; until after the other consent requests have been made.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee [Mr. COOPER]?

Mr. HOFFMAN. Mr. Speaker, I object for the present.

## PERMISSION TO ADDRESS THE HOUSE

Mr. TREADWAY. Mr. Speaker, following any other special orders that may have been agreed to for today, I ask unanimous consent to address the House for 10 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts [Mr. TREADWAY]?

There was no objection.

## EXTENSION OF REMARKS

Mr. MARTIN J. KENNEDY. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an address delivered at the one hundred and seventy-second annual dinner of the New York State Chamber of Commerce.

The SPEAKER. Is there objection to the request of the gentleman from New York [Mr. MARTIN J. KENNEDY]?

There was no objection.

Mr. CRAWFORD. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include a statement by Mr. Robert Jackson issued on November 24.

The SPEAKER. Is there objection to the request of the gentleman from Michigan [Mr. CRAWFORD]?

There was no objection.

Mr. DISNEY. Mr. Speaker, I ask unanimous consent that my colleague the gentleman from Oklahoma [Mr. JOHNSON] may have permission to extend his own remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma [Mr. DISNEY]?

There was no objection.

Mr. MICHENER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a memorandum from the Legislative Reference Service of the Library concerning national holidays.

The SPEAKER. Is there objection to the request of the gentleman from Michigan [Mr. MICHENER]?

There was no objection.

Mr. LEWIS of Colorado. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Appendix of the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Colorado [Mr. LEWIS]?

There was no objection.

## PERMISSION TO ADDRESS THE HOUSE

Mr. RICH. Mr. Speaker, I ask unanimous consent that at the conclusion of the special orders already granted, I may be permitted to address the House for 10 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania [Mr. RICH]?

There was no objection.

Mr. DICKSTEIN. Mr. Speaker, I had a special order yesterday, but the House was not in session. I ask unanimous consent that I may address the House today for 20 minutes after any special orders heretofore granted and after the disposition of business on the Speaker's table.

The SPEAKER. Is there objection to the request of the gentleman from New York [Mr. DICKSTEIN]?

There was no objection.

## EXTENSION OF REMARKS

Mr. CARLSON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include a statement by Herbert Hoover on feeding the people of Europe.

The SPEAKER. Is there objection to the request of the gentleman from Kansas [Mr. CARLSON]?

There was no objection.

Mr. KEOGH. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an editorial appearing in the Brooklyn Eagle of Tuesday.

The SPEAKER. Is there objection to the request of the gentleman from New York [Mr. KEOGH]?

There was no objection.

Mr. SHAFER of Michigan asked and was given permission to extend his own remarks in the RECORD.

Mr. COFFEE of Nebraska. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include a speech I made on Armistice Day.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska [Mr. COFFEE]?

There was no objection.

Mr. JONES. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include an editorial by Frank Ritenour of the Pique Daily Call, and also an address by Robert Kennedy, pastor of the First Methodist Church, of Troy, Ohio.

The SPEAKER. Is there objection to the request of the gentleman from Ohio [Mr. JONES]?

There was no objection.

#### STRIKE RESULTS AT VULTEE AIRCRAFT FACTORY

Mr. RANDOLPH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. RANDOLPH. Mr. Speaker, 1 week ago yesterday I called the attention of this body to the unfortunate strike at the Vultee aircraft factory in California. Following the comment which I made, other Members joined, and even a legislative committee has given attention to this subject. Informal groups have discussed the practicability of legislation to deal with strikes which take place in factories working on national-defense orders. From the White House we received news of a conference dealing with this subject.

I say to the Members this afternoon in all earnestness that information I have received indicates that prior to the calling of this strike in the Vultee factory the company itself offered wage increases amounting to \$1,140,000 a year, and that when the strike was finally settled, after a 12-day tie-up of production, the increases granted in the contract amounted to \$1,300,000. In other words, \$160,000 in wages was given to those who had asked increases, and while the strike continued the workers suffered a net loss for the year of \$43,240. It will require more than 1 year of employment to recoup the wages lost during the period of the strike.

In the meantime, the Government lost delivery of between 40 and 50 much-needed basic training planes, the Air Corps' pilot-training program was slowed down, the union suffered expense in its strike activities, the company has had expense of a wholly nonproductive nature.

This could have been avoided, with savings and benefits all around, had the dispute between the company and the union continued in negotiation, or been submitted to arbitration, with production continuing during such period of settlement. We must guard against a repetition of this situation. Congress has a responsibility. The Nation looks to us. [Applause.]

#### EXTENSION OF REMARKS

Mr. CHURCH. Mr. Speaker, I have two requests: First, I ask unanimous consent to extend my own remarks in the RECORD and include therein the remarks of Mr. J. J. Pelley, president of the Association of American Railroads, on November 13.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. CHURCH. Further, Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an address by John A. Stevenson, president of the Penn Mutual Life Insurance Co., on the same date. I have obtained an estimate from the Public Printer to the effect that this extension exceeds the usual amount by \$30.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

#### ADJOURNMENT OVER

Mr. COOPER. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER. Is there objection? The Chair hears none.

Mr. RICH. Reserving the right to object, Mr. Speaker, let us have that request go over for a short time. I object for the present.

The SPEAKER. The Chair had already announced that there was no objection.

#### PERMISSION TO ADDRESS THE HOUSE

Mr. VOORHIS of California. Mr. Speaker, I ask unanimous consent that on Monday next I may be permitted to address the House for 10 minutes.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

#### EXTENSION OF REMARKS

Mr. VOORHIS of California. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an expression of loyalty to the United States on the part of some American citizens of Hungarian birth.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

#### PERMISSION TO ADDRESS THE HOUSE

Mr. ANGELL. Mr. Speaker, I ask unanimous consent that at the conclusion of the other special orders already entered for today I may be permitted to address the House for 10 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent that at the conclusion of the other special orders heretofore entered for today I may be permitted to address the House for 10 minutes, and to revise and extend my remarks and include therein excerpts from certain letters.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

#### EXTENSION OF REMARKS

Mr. LANHAM. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an address and accompanying data delivered by Dr. Truitt, of the Department of Agriculture, at an agricultural meeting in Texas.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. DOXEY. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Appendix of the RECORD and include therein an address delivered by Senator PAT HARRISON, the distinguished Senator from Mississippi, commemorating the ninetieth birthday of Mrs. Modena Lowrey Berry, who was the sister of Congressman B. G. Lowrey, who so ably represented the Second District of Mississippi and was my predecessor.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. BRADLEY of Michigan. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein certain newspaper articles and letters dealing with the Mackinac Straits bridge.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. GRANT of Alabama. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a letter addressed to me on the subject of National Defense.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.



Mr. LAMBERTSON, Mr. HARRINGTON, Mr. COFFEE of Nebraska, Mr. PATMAN, Mr. BURDICK, and Mr. LUDLOW asked and were given permission to extend their own remarks in the RECORD.

PERMISSION TO ADDRESS THE HOUSE

Mr. HOBBS. Mr. Speaker, I make the same request as the gentleman from Michigan [Mr. HOFFMAN], but subordinate to his.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mrs. CLARA G. McMILLAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentlewoman from South Carolina?

There was no objection.

[Mrs. CLARA G. McMILLAN addressed the House. Her remarks appear in the Appendix of the RECORD.]

ADJOURNMENT OVER

Mr. COOPER. Mr. Speaker, I renew my request that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER. The request has already been granted. The Chair had announced there was no objection before the gentleman from Pennsylvania [Mr. RICH] was on his feet.

EXTENSION OF REMARKS

Mr. DICKSTEIN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a brief article from the New York Times.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

SETTLEMENT OF DISPUTES WITH THE UNITED STATES

Mr. SUMNERS of Texas. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 6324) to provide for the more expeditious settlement of disputes with the United States, and for other purposes, with Senate amendments, and concur in the Senate amendments.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. COCHRAN. I object, Mr. Speaker.

SWEARING IN OF MEMBER

The SPEAKER laid before the House the following communication from the Clerk of the House:

OFFICE OF THE CLERK,  
HOUSE OF REPRESENTATIVES,  
Washington, D. C., November 28, 1940.

The honorable the SPEAKER,

House of Representatives.

SIR: The certificate of election, in due form of law, of Hon. WILLIAM E. BURNEY as a Representative-elect to the Seventy-sixth Congress from the Third Congressional District of the State of Colorado, to fill the vacancy caused by the death of Hon. John A. Martin, is on file in this office.

Respectfully yours,

SOUTH TRIMBLE,  
Clerk of the House of Representatives,  
By H. NEWLIN MEGILL.

PERMISSION TO ADDRESS THE HOUSE

Mr. TAYLOR. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. TAYLOR. Mr. Speaker, at the election this fall in the Third Congressional District of Colorado the people elected a Republican for the full term of the Seventy-seventh Congress to succeed our late colleague, Mr. Martin. They elected Mr. J. EDGAR CHENOWETH, who is a very distinguished man. [Applause.] They also elected at the same time a Democrat to fill out the unexpired term ending on the 3d of January next. That Democrat, Mr. WILLIAM E. BURNEY, is now present to take the oath of office, filling out the unexpired term of our late colleague, John A. Martin.

WILLIAM E. BURNEY, Representative-elect to the Seventy-sixth Congress, presented himself at the bar of the House and took the oath of office prescribed by law.

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SETTLEMENT OF DISPUTES WITH THE UNITED STATES

Mr. SUMNERS of Texas. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SUMNERS of Texas. Mr. Speaker, I would like to give notice that on next Monday the Committee on the Judiciary will move to take from the Speaker's table the bill H. R. 6324 and seek to have concurrence in the Senate amendments.

The Committee on the Judiciary will insist that this motion is privileged; and if the opposition should make the point of no quorum and it comes to the necessity of having to have a roll call to test the question of a quorum, the Judiciary Committee is going to be prepared to do that. [Applause.] If no quorum should be developed, we will endeavor to hold the House in session until there is a quorum and this matter is disposed of.

Mr. MICHENER. Mr. Speaker, will the gentleman yield?

Mr. SUMNERS of Texas. I yield.

Mr. MICHENER. As I understood, the gentleman from Texas, who is the chairman of the Committee on the Judiciary, made a unanimous-consent request that this bill, which is the so-called Walter-Logan bill, be taken from the Speaker's table and the Senate amendments be concurred in. The gentleman from Missouri [Mr. COCHRAN] objected. As the matter stands now, this measure will stand over until next Monday, and may I suggest that we all recognize that there are sufficient votes in the House under any conditions to pass the bill in the House, and any delay is simply inconveniencing the Members. If this bill as amended does not pass today, it will pass Monday. Nothing is gained. This should not be a political matter. The result is going to be the same whether we vote today or Monday. I do hope that the gentleman from Missouri [Mr. COCHRAN] will have consideration for the other Members here and those who are not here, in view of the fact that he must know that this bill will pass on Monday, then why not today? [Applause.]

[Here the gavel fell.]

Mr. COCHRAN rose.

Mr. SUMNERS of Texas. I yield with the observation that I hope the distinguished gentleman from Missouri will withdraw his objection and let us dispose of this matter today. [Applause.]

The SPEAKER. The time of the gentleman from Texas has expired.

Mr. COCHRAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. COCHRAN. Mr. Speaker, when this legislation was before the House I opposed it and I am going to oppose it whenever it comes before the House at the present session of Congress unless a bill is brought in that will not have for its purpose the destruction of New Deal legislation.

One of the reasons why I opposed the legislation was that at the request of the President, the Attorney General appointed an outstanding committee, and I am sure the Judiciary Committee will agree that it is an outstanding committee, to study this very question.

The present bill was born in the mind of an enemy of this administration, who seeks to destroy the progressive legislation that we have enacted, and as far as I am concerned I feel that the welfare of the American public should be taken into consideration rather than the convenience of the Members of this House. I assure you that while I recognize the motion is privileged, on next Monday there is going to be a quorum present in this House to vote upon a motion to agree to the Senate amendments which no one knows anything about. [Applause.]

[Here the gavel fell.]

Mr. WALTER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. WALTER. Mr. Speaker, I do not have the faintest idea who the gentleman from Missouri [Mr. COCHRAN] was referring to when he said that the administrative law bill was drafted by someone who was an enemy of this administration.

Mr. COCHRAN. If the gentleman will yield, I will tell him.

Mr. WALTER. I do not yield.

Mr. COCHRAN. If the gentleman wants to know, I will tell him.

Mr. WALTER. I will tell you what is back of this proposition if you want to know the truth. [Laughter and applause.] The fact of the matter is that this problem was first considered by Senator GEORGE NORRIS, who certainly could not by any stretch of the imagination be accused of being an enemy of the New Deal Administration. Subsequently the Senate considered ways and means of endeavoring to curb the infringements upon all of our rights by an all-powerful bureaucracy, which if not curbed will ultimately destroy this Republic. [Applause.]

The gentleman from Missouri says that the Attorney General appointed a committee. That is true, but I will tell you that this committee has never functioned. It has met but once. The brains of the committee, or the entire committee, is one Walter Gelhorn, a young professor from Columbia University [laughter], who made a speech at the Lawyers Guild that was so radical that Ferdinand Pecora, who has never been accused of being a reactionary, withdrew from that organization. [Applause.]

The SPEAKER. The time of the gentleman from Pennsylvania has expired.

Mr. WALTER. Mr. Speaker, I ask unanimous consent to proceed for 1 additional minute.

Mr. MICHENER. Cannot the gentleman have the time to name some more who withdrew?

The SPEAKER. The Chair cannot recognize the gentleman at this time.

Mr. WALTER. I withdraw the request, Mr. Speaker.

The SPEAKER. The time of the gentleman from Pennsylvania has expired.

#### EXTENSION OF REMARKS

Mr. ALEXANDER. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in the RECORD regarding the homestead lien act in Minnesota; and, second, regarding the high cost of transportation in the United States.

The SPEAKER. Is there objection?

There was no objection.

#### PERMISSION TO ADDRESS THE HOUSE

Mr. SUMNERS of Texas. Mr. Speaker, I ask unanimous consent that on next Monday, after the disposition of the regular business and other special orders, I may be permitted to address the House for 10 minutes.

The SPEAKER. Does the gentleman mean after the legislative program?

Mr. SUMNERS of Texas. After everything is finished and following any other special orders.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. Under previous order of the House, the gentleman from Kansas [Mr. REES] is recognized for 10 minutes.

#### PROGRESS OF THE DEFENSE PROGRAM

Mr. REES of Kansas. Mr. Speaker, I am at this time calling the attention of the membership of the House to House Concurrent Resolution 94 that I introduced in this body on November 25. This resolution provides for a joint committee composed of five members of the House of Representatives, to be appointed by the Speaker, and five members of the Senate, to be appointed by the President of the Senate. The duty of this committee will be to keep itself currently informed on all expenditures that are made under the defense program and to be advised as to the contracts that are made from time to time, and to provide general information and recommendations that may be helpful to Congress and to the people of this country in carrying on the national-defense program.

Our Government is engaged in the biggest peacetime business in its history—that of spending between fifteen and twenty billion dollars within the next few months in order to provide for the adequate defenses of the United States; for a program to defend this country against aggressor nations. It is not the intention of this resolution to interfere in any manner but, on the contrary, to see that the armament program shall be carried on just as efficiently, effectively, and speedily as possible.

Mr. Speaker, this Congress represents the people of this country. I think it is entitled to first-hand information concerning the defense program. During the past few months huge contracts have been let involving billions of dollars to be used directly or indirectly in the building of armaments of all kinds and for providing equipment that is essential to the program. I am not unmindful of the fact that Members of Congress may call and secure information concerning specific items. That is beside the point. Congress should not have to depend upon the press for its information, or read the Wall Street Journal every week in order to find out about the contracts that have been let and their amounts. Information should be provided so that Congress, or a committee representing it, may have a complete picture of the program and detailed information as to the progress that is being made from time to time. The administration and those in charge of carrying out the program should not only be glad to furnish the information but should welcome the advice and suggestions of such a committee.

Right now we hear complaints from various sources that the program is not going forward fast enough. It is alleged from other sources that huge profits are being made by those participating in the program. Why not find out about these matters before they go too far? Time after time resolutions have been introduced in this Congress asking for committee investigation of expenditures for amounts involving only a few thousand dollars. There is nothing wrong about that. But here is a situation where these matters can be brought to the attention of Congress before and while the funds are being expended. There could be no delay in a procedure of this kind. Newspapers are reporting rumblings to the effect that some of the departments of Government having charge of these expenditures do not entirely agree with others as regards certain portions of our program.

It is said that the Defense Commission is a board that acts only in an advisory capacity. It is not a creation of Congress and does not have power to act. It does not, as I understand it, even have a chairman. When members of that Commission are asked what they are going to do about a certain proposition, the reply is made that their position is only advisory and they cannot tell what may or may not be done. It may be advisable that this Commission should have some power and authority in these matters. If so, we ought to provide it. If not, let us find that out, too.

After all, to turn this huge building program over to Army and Navy officers, and even to the President of the United States, is a tremendous responsibility. It is said that a great amount of delay has come about because of disagreements between the Army on the one hand and the Navy on the other. We ought to find out about that and fix the responsibility somewhere. Heretofore, as I understand it, it has been the responsibility of the head of the Army, as well as the Navy, to recommend the best types of defense to be used, the kind and amount of armaments to be provided, as well as the number of personnel that may be needed to carry out a specific program. It seems now that we are giving them the additional authority not only to make plans, but, to a great extent, to make contracts and help carry them out. I am not complaining about that situation, but think the Congress could be most helpful through a committee of this kind. In any event, there should be more coordination between the various groups having charge of providing the huge increases in our defense system.

Our Nation is not at war, and we do not intend to get into war. We do not want to adopt a program of wartime economy, but we are going to get to a place pretty soon, I think, when it is going to be determined by someone in responsi-



bility, for example, just how much priority is to be given the defense program in our industry. Some of these industries are building armaments for other nations. Congress should know just how that situation is being handled. In what respect are we dividing with foreign nations in the building of armaments? Another problem that is going to confront the people of this country is to determine how far the defense program is to take priority in the manufacture and production of things which are not required for our defenses. I mean the things we ordinarily use in our peacetime economy. If we were at war, that situation would be handled rather promptly. Under our present situation it is a matter that ought to have the careful attention of the Congress and the people of this country.

For example, only a few days ago, one of our industries was said to have increased its contracts for airplanes to be used for commercial purposes, to the detriment of Government contracts for war planes. These, together with many other problems, could be carefully studied by this committee, with recommendations to this Congress.

Mr. Speaker, it is unfortunate that it has become necessary to spend these billions of dollars that have been appropriated. Billions more will be expended next year. I think Congress should assume more responsibility in the carrying on of this defense program, with a view of prosecuting it as economically, efficiently, and speedily as possible.

Mr. Speaker, one thing further before I close: While Congress is providing for the great defenses we have mentioned, against enemies from without, we should not be unmindful of the grave responsibility of protecting our country from the enemies that are boring from within. We should deal with them justly, but we should also deal with them promptly.

The SPEAKER. Under a previous order of the House, the gentleman from Massachusetts [Mr. TREADWAY] is recognized for 10 minutes.

#### THANKSGIVING

Mr. TREADWAY. Mr. Speaker, today is the last Thursday in November. Until recently this day was universally set apart throughout the land, by proclamation of the President and the Governors of the several States, as a day of thanksgiving and prayer. Last year, however, the President of the United States departed from this time-honored custom and proclaimed a date 1 week earlier, as he has done again this year, giving as his reason a desire to "lengthen the Christmas shopping period."

It is not my purpose today to take exception to the President's action or to criticize his motives. He had a perfect legal right to do what he did, although there are many who might question whether a religious holiday of this character should be changed for reasons wholly commercial. I rise simply to say that, as a citizen and a Representative of the Commonwealth of Massachusetts, where the custom of thanksgiving had its origin in this country, I am proud that the people of my State, along with the citizens of some 15 other States, prefer to adhere to the traditional Thanksgiving date and are today giving thanks to the Almighty for the many blessings he has conferred upon them.

His Excellency, Governor Saltonstall, of Massachusetts, in his Thanksgiving proclamation of last year, well said that—

Not for revelry and sport, and not for the inauguration of Christmas shopping, is this day set apart.

In this materialistic age we are prone to forget the spiritual significance of our religious holidays. They have become commercialized to an extent which causes us to lose sight of their true meaning and purpose.

What was the origin of Thanksgiving Day, and why do we celebrate it? We have read in our histories that it was at Plymouth, Mass., in 1621, that a day of thanksgiving was first set apart. It originated with the little band of Pilgrims who had managed to survive the rigors and hardships of that first year in the New World. It was celebrated not as a prelude to Christmas shopping but in gratitude to God. Let me quote further from the Thanksgiving proclamation of Governor Saltonstall last year:

Let us remind ourselves of the historical origin of Thanksgiving in America and the conditions which surrounded it. One-half of the little Pilgrim band at Plymouth had died during the preceding year. Four households were wiped out entirely, and only four households were left unentered by what Bradford called the "general sickness." They had no prosperity. Their harvest was not bountiful. Yet out of these meager remnants they made their thanksgiving, gave solemn thanks to Almighty God, and shared their scanty store with the Indians.

Since first proclaimed by Governor Bradford, of the Pilgrim colony, in 1621, Thanksgiving has been a New England custom. At first the subsequent Thanksgivings were held only for giving thanks to the Almighty as special occasions presented themselves, but in 1684 the festival became an annual one in Massachusetts, and other colonies soon followed her example.

In 1789, after the Colonies united to form our present Union, Congress adopted a resolution calling upon the President to proclaim a day of thanksgiving. In response to that resolution, President George Washington issued the following proclamation, which I shall insert at this point:

#### PROCLAMATION.

##### A NATIONAL THANKSGIVING.

Whereas it is the duty of all nations to acknowledge the providence of Almighty God, to obey His will, to be grateful for His benefits, and humbly to implore His protection and favor; and

Whereas both Houses of Congress have, by their joint committee, requested me "to recommend to the people of the United States a day of public thanksgiving and prayer, to be observed by acknowledging with grateful hearts the many and signal favors of Almighty God, especially by affording them an opportunity peaceably to establish a form of government for their safety and happiness:"

Now, therefore, I do recommend and assign Thursday, the 26th day of November next, to be devoted by the people of these States to the service of that great and glorious Being who is the beneficent author of all the good that was, that is, or that will be; that we may then all unite in rendering unto Him our sincere and humble thanks for His kind care and protection of the people of this country previous to their becoming a nation; for the signal and manifold mercies and the favorable interpositions of His providence in the course and conclusion of the late war; for the great degree of tranquillity, union, and plenty which we have since enjoyed; for the peaceable and rational manner in which we have been enabled to establish constitutions of government for our safety and happiness, and particularly the national one now lately instituted; for the civil and religious liberty with which we are blessed, and the means we have of acquiring and diffusing useful knowledge; and, in general, for all the great and various favors which He has been pleased to confer upon us.

And also that we may then unite in most humbly offering our prayers and supplications to the great Lord and Ruler of Nations, and beseech Him to pardon our national and other transgressions; to enable us all, whether in public or private stations, to perform our several and relative duties properly and punctually; to render our National Government a blessing to all the people by constantly being a Government of wise, just, and constitutional laws, discreetly and faithfully executed and obeyed; to protect and guide all sovereigns and nations (especially such as have shown kindness to us), and to bless them with good governments, peace, and concord; to promote the knowledge and practice of true religion and virtue, and the increase of science among them and us; and, generally, to grant unto all mankind such a degree of temporal prosperity as He alone knows to be best.

Given under my hand, at the city of New York, the 3d day of October. A. D. 1789.

G<sup>o</sup>. WASHINGTON.

In other words, I call special attention to the fact that both branches of Congress asked President George Washington to declare the date of Thanksgiving.

It was Abraham Lincoln who was responsible for establishing the last Thursday in November as the date for Thanksgiving, and the precedent he set was consistently followed by succeeding Presidents until the date was changed by President Roosevelt last year.

It seems to me that we should have retained the precedent established both by President Washington and President Lincoln.

It was pointed out to us a few days ago the many difficulties which have arisen by reason of the fact that Thanksgiving has been celebrated on two different dates during the past 2 years. Aside from this fact, our traditions are not to be lightly cast aside. We are admonished by Scripture: "Change not the ancient landmarks." I feel that the example which Massachusetts and New England offer in the retention of long-standing custom should be given very careful consideration

before ruthlessly permitting it to be sacrificed for mercenary considerations.

Disrespect for custom and tradition has been given too much encouragement in recent years. How much more appropriate it would be if the people throughout our land might celebrate Thanksgiving on the same day, as of yore. And how much more significance the day would have if it were celebrated on the traditional date. It seems to me that it would be well if the Congress, in accordance with the example set in George Washington's time, would adopt a joint resolution calling upon the President to proclaim the last Thursday in November of each year as a day of thanksgiving.

In closing I desire, in keeping with the occasion, and in the spirit which led the Pilgrim Fathers to hold the first Thanksgiving Day, to insert in the *RECORD* the following Thanksgiving prayer, which may be found in the Episcopal Prayer Book:

Most gracious God, by whose knowledge the depths are broken up and the clouds drop down the dew, we yield Thee unfeigned thanks and praise for the return of seedtime and harvest, for the increase of the ground and the gathering of the fruits thereof, and for all the other blessings of Thy merciful providence bestowed upon this Nation and people. And, we beseech Thee, give us a just sense of these great mercies, such as may appear in our lives by an humble, holy, and obedient walking before Thee all our days. Through Jesus Christ our Lord, to whom, with Thee and the Holy Ghost, be all glory and honor, world without end. Amen.

#### EXTENSION OF REMARKS

Mr. HINSHAW. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks in the *RECORD* on two different subjects and to include certain pertinent material.

The SPEAKER. Is there objection to the request of the gentleman from California [Mr. HINSHAW]?

There was no objection.

Mr. DITTER asked and was given permission to revise and extend his own remarks in the *RECORD*.

Mrs. BOLTON asked and was given permission to revise and extend her own remarks in the *RECORD*.

The SPEAKER. Under a previous order of the House, the gentleman from Pennsylvania [Mr. RICH] is recognized for 10 minutes.

#### GOVERNMENT ECONOMY

Mr. RICH. Mr. Speaker, I cannot help but call to the attention of the Members of the House the statement made by Chaplain Montgomery this morning in his prayer when he said:

Thou who art the basis of all worthwhile progress, clothe the Congress with unswerving loyalty to conscious duty.

It seems to me that every Member of Congress must assume his own responsibility for his action and vote in Congress. I expect to assume mine. I call the attention of the House to the big headlines that appeared in the *Washington Post* of Wednesday, November 27, "Roosevelt to slash nondefense budget."

I picked up the *New York Times* of the same day and I read a big headline, "President carves spending for all except defense."

Mr. Speaker, I wonder if it is true? Will it happen? The responsibility rests upon the Members of Congress as well as on the President of the United States. I heard the address delivered here a few moments ago by the gentleman from Massachusetts [Mr. TREADWAY] in regard to the two Thanksgiving Days. A few years ago we talked about having two chickens in every pot. Then we talked about having two cars in every garage, two pair of pants with every suit. Some people want two pay days and two salaries. It seems to me that perhaps two Thanksgiving Days now would not be inappropriate, because we would have a little more time to really give thanks for the things that we have and enjoy in America. If the people of this country would give more thanks to the Almighty God for the blessings we receive, probably we would get further along. Certainly we would not complain so much when we think of and really count our blessings. I feel as if we have much to be thankful for.

The point I want to make here is the fact that the President made the statement that he is going to cut down expenses in everything but defense items for next year's Budget. I am glad that the chairman of the Committee on Appropriations

is sitting before me at this time, because I have written him in reference to the statement that he put in the Appendix of the *RECORD*, page 6478, showing the amount of money we expended this year.

It is a tremendous sum of money, three times more than our revenues will amount to for the year, and in addition to the appropriations we have already made, we authorized the expenditure of over \$4,000,000,000. When we try to balance our books on July 31 next we are going to find that we will be in the red so far it will be a very serious thing for this country and we will not know how we are going to get the money to balance the Budget.

For 10 years we have been going in the red from a billion and a half to four and a half billion dollars. This cannot continue indefinitely. You know it, any sensible citizen knows it. I call attention to a statement made by the President on March 10, 1933, when he said in his message to the Congress:

And on my part I ask you very simply to assign to me the task of reducing the annual operating expenses of your National Government. We must move with the direct and resolute purpose now. The Members of Congress and I are pledged to immediate economy.

The President made that statement to the Congress, and of course you all know what the Democratic platform of 1932 pledged to the country. Economy, 25 percent reduction in Government expenses. Notwithstanding those pledges you have not heard very much about economy in the last 2 or 3 years, in fact, the last 6 years, from any New Deal President or Member of Congress. You have forgotten all about that. Now the President comes back and tells the press that he is going to slash the Budget. He makes statements for publicity but he does not do what he says he will do. Why?

You know what happened in January of the present year. All the headlines of the papers were to the effect that Congress and the President would reduce our expenditures, and we would economize. Then look what the chairman of the Appropriations Committee states in his report to which I just referred. It is so far from being economical that it is just laughable. It is deplorable. It is serious. It is a crime against our children, and against future generations. It is not right, it is not just, it is not honorable, and it is not honest.

I want to know what the President means when he tells the news reporters now that he is going to slash the Budget. We are going to follow this up. God giving me health and strength, I am going to be here for the next 2 years and I am going to call this to your attention day after day after day, if it is necessary, because I believe that, as was said by the Chaplain in his prayer this morning, we should have unswerving loyalty to conscientious duty. I believe that is one of my jobs. While it is not pleasant, and while it is not wanted by the Members of the House, yet I feel that if God gives me health and strength I am going to call it to your attention. It is your duty and responsibility. Let me call your further attention to a quotation of the President at Sioux City, Iowa, September 29, 1932, and I quote from his speech:

We are not getting an adequate return for the money we are spending in Washington, or to put it another way, we are spending altogether too much money for Government services that are neither practical nor necessary. And then, in addition to that, we are attempting too many functions. We need to simplify what the Federal Government is giving to the people.

I accuse the present administration of being the greatest spending administration in peacetime in all our history. It is an administration that has piled bureau on bureau, commission on commission, and has failed to anticipate the dire needs and the reduced earning power of the people. Bureaus and bureaucrats, commissions and commissioners have been retained at the expense of the taxpayer.

And I am going to call it to your attention, Mr. Speaker, of the Appropriations Committee, because you have the responsibility and you have the opportunity to tell the members of the Appropriations Committee that they have to cut down appropriations, notwithstanding the fact that the various departments of the Government may want to increase them. I am going to look to you as an honest citizen, a man whom



I respect and honor, to show that committee that you mean exactly what the President says, and that you are going to demand that the President do that. Do not let him say one thing and do another—it is not honest or honorable to do so.

Mr. TAYLOR. Mr. Speaker, will the gentleman yield?

Mr. RICH. I yield to the distinguished gentleman from Colorado, the chairman of the Appropriations Committee.

Mr. TAYLOR. The gentleman has as many votes on that committee as I do.

Mr. RICH. I have only one. You have great influence with 35 members.

Mr. TAYLOR. Let me make a suggestion. It seems to me that instead of giving a general blast every day in favor of cutting down expenses, the gentleman from Pennsylvania ought to pick out the specific items he would eliminate from each of our appropriation bills. I inserted in the RECORD of October 24 my annual report as chairman of our committee for this year, including all the appropriations made from the 3d day of January last year up to that time. In that report I challenged the Members of this House who had objections to any part of that appropriation, of approximately \$25,000,000,000, to specify to the House and to their constituents just what items they would cut out. I wish the gentleman, when he makes a general wholesale criticism, would pick out what he feels our committee or the House itself or the Senate ought to have eliminated. The committee nearly always reports less than the Budget recommends. The House sometimes adds large items, and the Senate nearly always does. The committee cannot override both bodies.

Mr. RICH. Let me say to the chairman of the Appropriations Committee that I am just about as regular an attendant in the committee as anyone on the committee. There never was a time when we had a committee bill under consideration that I did not try to pick out some item that should be cut, and show it to the House. The gentleman knows he let items go through and did not stand up there and say that some of the appropriations ought to be cut. The gentleman let them go right through. Now I am telling the gentleman in public to do that duty. I am showing him his responsibility. I am going to look to him, because I know he is an honest and honorable citizen, and I admire him. However, there are some things that he should do that he has not done in the past. If I told the House beforehand what economies should be effected all the lobbyists in Washington for that particular thing would be after every Member of Congress.

Let me now call your attention to another statement made by the President of the United States:

The credit of the family depends chiefly upon whether that family is living within its income. And that is equally true of the Nation. If the Nation is living within its income, its credit is good.

[Here the gavel fell.]

Mr. RICH. Mr. Speaker, I ask unanimous consent to proceed for 5 additional minutes.

The SPEAKER. If that is agreeable to the other gentlemen who have special orders to follow the gentleman from Pennsylvania. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. RICH. We have lots of time, and we have nothing to do. We ought to be permitted to have all the time we want.

Mr. HOFFMAN. What was that request?

Mr. RICH. The request is granted. The gentleman is too late.

Mr. HOFFMAN. Reserving the right to object, Mr. Speaker, my understanding was that the gentleman could speak for 10 minutes after I got through.

The SPEAKER. Unanimous consent has already been granted.

Mr. RICH. I tried to protect the gentleman this morning and he ought to protect me.

Mr. HOFFMAN. This is not protection; or maybe it is protection, after all.

Mr. RICH. I am protecting the gentleman and every citizen of the United States. [Applause.]

Mr. HOFFMAN. All right; go ahead.

Mr. RICH. Everyone in this House ought to realize that that is my only motive. I do not have any idea of trying to criticize the President of the United States. God knows that he needs the help of everyone. I am here to give him all the help I can give him. But I want him to do as he says he will do. I do not want him any longer to say one thing and do another. It is not honest.

Let me continue with this statement of the President:

If, in some crises, it lives beyond its income for a year or two, it can usually borrow temporarily at reasonable rates. But if, like a spendthrift, it throws discretion to the winds and is willing to make no sacrifice at all in spending; if it extends its taxing to the limit of the people's power to pay and continues to pile up deficits, then it is on the road to bankruptcy.

This statement was made by the President of the United States at Pittsburgh on October 19, 1932.

No truer statement was ever made by any man than the statement made by President Roosevelt on that occasion, but I want President Roosevelt to carry out the promises he has made. I want President Roosevelt to go over the sensible and sane statements he made 8 years ago, as well as ones he has made since that time, and I want him to do what he has stated is honorable, right, and just. I cannot for the life of me understand how he can feel that he can go on with a debt now of \$49,000,000,000 and the Secretary of the Treasury asking him to increase that indebtedness \$15,000,000,000 or \$20,000,000,000. We must spend less, tax more, or bust.

Mr. EBERHARTER. Mr. Speaker, will the gentleman yield?

Mr. RICH. No; I do not yield. I want the gentleman to get a little of this lesson. The gentleman needs it and a lot of you gentlemen need it.

If we are going to increase this indebtedness \$20,000,000,000, then we are just about on the road to ruin. It is not going to be possible for this Nation to carry on with so great a debt. In my judgment it is so serious for the future generations of boys and girls that it seems to me that we should assume our own responsibilities, not pass it to future generations. Why, the Congressmen are just featherweights and do not amount to a tinker's hoot so far as looking after the affairs of this country may be concerned if we permit this to go on.

You know that if you are unable to meet your expenses today you should not pass that burden on to your children or your children's children. Now, what are you going to do about it? Are you going to suggest to the new, incoming Congress that you cut down expenses? What I want to know is whether the President of the United States is going to do what he said he would do—"Roosevelt to slash nondefense budget." He gets big headlines today and then he fools the people. Now, that is not honest.

Mr. TAYLOR. Mr. Speaker, will the gentleman yield?

Mr. RICH. I yield to the gentleman from Colorado, the chairman of the Appropriations Committee.

Mr. TAYLOR. I may say to the gentleman and to the House and to the world that, in my judgment, we are going to spend whatever amount of money is necessary, and do whatever else is necessary to defend our country, our form of government, our freedom, liberties, and modern civilization on this planet. I do not believe there is going to be any limit whatever, insofar as the Congress of the United States may feel that it is necessary for us to go in order to protect our democratic form of government.

Mr. RICH. I am with the gentleman 100 percent on that.

Mr. TAYLOR. And I am just as much in favor of cutting down on the things that do not apply to national defense as is the gentleman from Pennsylvania.

Mr. RICH. Thank goodness for that statement. I am going to look to that aid in the Committee on Appropriations, and every time they want to build up and increase appropriations I am going to remind you and the committee that very thing and then we will hammer them down. We will decrease departmental askings, and, with the gentleman's help and cooperation, I am sure we will succeed. [Applause.]

[Here the gavel fell.]

The SPEAKER pro tempore. Under the previous order of the House, the gentleman from New York [Mr. DICKSTEIN] is recognized for 20 minutes.

THE DIES COMMITTEE AND THE F. B. I.

Mr. DICKSTEIN. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and also to insert excerpts from certain newspapers concerning matters I am going to speak about today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. DICKSTEIN. Mr. Speaker, if anybody has the right to speak on the so-called Dies committee, about which I hope to make some observations today, I think I have that right, and I shall speak about the Dies committee and its activities that have been going on for the last few years.

In the first place, I want to say to this House that the attack made by the gentleman from Texas [Mr. DIES] or any member of his committee, on the Department of Justice is shameful and disgraceful. I would say that I would not exchange one G-man or one man of the Department of Justice for all the Dies committee investigators that have been on his pay roll. I want to say that there is no finer nor better administrator than J. Edgar Hoover, Director of the Federal Bureau of Investigation, a man of fine character, ability, and trustworthiness, so considered by all parties and administrations since I have known him in Washington. I say that every man in the Department of Justice who goes out to do his job does it honestly and faithfully and in an effort to help this country, no matter how dangerous his assignment may be. An attack on them by the so-called Dies committee is unfounded and, in my honest opinion, interfering with due process of law.

I do not believe there is any man in this House who likes to get up here and stand before this Congress and criticize any committee of this Congress, but there are times when one must speak for the good of the Congress and for the good of the country. Now, Mr. Speaker, what is the duty of a committee making an investigation, whether it is investigating un-American activities or any other activity within the borders of the United States?

The duty of a congressional committee, as I understand it, or as I was taught it, is to make an investigation only for the purpose of bringing before the Congress legislation to remedy certain evil conditions that exist in the country. The gentleman from Texas [Mr. DIES] and his committee have not brought in one single recommendation to the Congress of the United States to rid this country of the so-called "fifth columnists," may they be directed by Nazis or Communists—but all we have had was a lot of ballyhoo and some more ballyhoo to arouse the country. The committee is selling us short. They are selling us short because with the appropriation of \$220,000 or \$230,000 he, the chairman, should have been able to go to the bottom of things instead of going around the country making statements freely, without consideration of the opinion of his colleagues who have given him the opportunity to head that committee.

On Friday, November 22, my good friend the gentleman from Texas [Mr. DIES] flew from Orange, Tex., into Illinois. He had discovered a great nest of espionage. He was going to disclose some very important information. He had a real spy who was going to tell us all about the Gestapo, the German secret police in this country. This so-called spy was going to crack the press and going to tell us so much about what is going on here. After this ballyhoo and these newspaper-press releases, whom do you think he brought before the committee? A man whom I threw out of my office about 2 years ago, a man whom I would not trust under oath; a criminal; a seller of information. And the Department of Justice, by the way, had his record. This man, Heinrich Peter Fassbender, that big secret-service agent of the Gestapo of Germany, is nothing but a squealer, a rat, an informer for a price. And this was the only evidence that cracked the press on November 22 about this great nest of Gestapo police that is going to destroy the United States of America.

This so-called gentleman who calls himself a secret-police agent, is about 22 years of age, incompetent, and of criminal character. He will sell you any information, even if it is perjury, if you will buy it. And this is the type of information he made so much noise about and the Dies committee fell for.

Attorney General Jackson, an able, fine American, has well said in this connection that the Dies committee is interfering with the progress and work of the Department of Justice. Let me quote some of his remarks as reported by the New York Times:

WASHINGTON, November 23.—Attorney General Jackson today accused the Dies Committee to Investigate Un-American Activities of seeking to undermine public confidence in the Federal Bureau of Investigation, which he called the "finest investigating service in the world." In at least one recent case, Mr. Jackson said, the Dies publicity had hampered the work of the F. B. I. and made its efforts fruitless.

Indicating resentment at Chairman DIES' announcement that his committee would investigate the strike at the Vultee Aircraft Corporation, the Attorney General stated that the F. B. I. already had investigated the strike and found that Communist influence had caused and was prolonging the strike.

The F. B. I. had identified the strike leaders either as members of the Communist Party or affiliated with Communists, he added, and this information had been given to the War and Navy Departments and to the National Defense Commission "so that they may take such action as may be warranted in the protection of the Government's interests."

Mr. Jackson's statement was in comment on the publication yesterday of the Dies White Paper, and he caustically accused the committee inferentially of seeking publicity and attempting to arouse public sentiment or emotion.

The activities of the F. B. I., Mr. Jackson said, must of necessity be done quickly and "should not and must not compete with the legislative committee for publicity."

Mr. Jackson's statement follows:

"I very much regret that Congressman DIES has seen fit to accompany his recent disclosures with an effort to disparage and discredit the good work of the Federal Bureau of Investigation under Director J. Edgar Hoover.

"ATTACKS" ARE DEcriED

"I have inclined to the view that there was sufficient field to warrant the publicity activities of a legislative investigating committee even if some of those activities have the effect of endangering by premature exposure the work of this Department. It would not seem, however, that such legislative activities need be accompanied by attacks on the Federal Bureau of Investigation, whose purpose in investigation is quite different from that of a legislative committee and, of course, should not and must not compete with the legislative committee for publicity.

"The fact that much of the work of the Federal Bureau of Investigation is necessarily carried on quietly and without publicity does not diminish its effectiveness. For example, Mr. DIES says that next week he will investigate the strike at the Vultee Aircraft Corporation.

"The Federal Bureau of Investigation already has investigated this strike and has supplied confidential reports to the War and Navy Departments and to the National Defense Commission. This confidential report describes the Communist influence which caused and which is prolonging the strike. It identified those leaders of the strike who are either members of the Communist Party or affiliated with the Communists and the persons who are the contacts between the strike committee and the leaders of the Communist Party.

F. B. I. INVESTIGATION CITED

"While the activities of the parties involved may not constitute a Federal crime warranting prosecution, the details have been furnished to the War and Navy Departments and to the National Defense Commission so that they may take such action as may be warranted in the protection of the Government's interests.

"The Dies committee has published a report on the propaganda activities of Manfred Zapp and Transocean News Service. These activities had been under investigation by the Federal Bureau of Investigation, which was trying to complete a legal case with admissible evidence. The action of the committee made further effort in this direction fruitless, and on October 28 last, based on Federal Bureau of Investigation reports and the Dies material, the Criminal Division of the Department of Justice instituted a grand-jury investigation of Zapp, the Transocean News Service, and others, to determine whether violations of Federal law were involved. This secret grand-jury investigation is now in progress in the District of Columbia.

"At Chicago, Congressman DIES announced that Heinrich Peter Fassbender, described by Mr. DIES as a former Gestapo agent, would describe the full workings of the Gestapo in this country.

"Fassbender has long been known to the Federal Bureau of Investigation. Its files contain a detailed record of his life and activities from his birth in Dusseldorf, Germany, on August 14, 1917, down to the present time. In this country he has operated under different aliases in addition to the name Fassbender. He entered the United States on August 2, 1938, jumping ship when the steamship *Westmoreland*, of the Bernstein Line, docked at pier No. 3 in Hoboken, N. J. He has worked in this country as a waiter in



New York City, as a taxi driver in California, and he has twice been the subject of Federal Bureau of Investigation white slave investigations. He is also suspected of having operated a confidence game.

#### WITNESS CALLED UNRELIABLE

"In experienced investigative circles Fassbender is known as a professional and unreliable informer. He has been known to offer to sell information on both Communists and Nazis for a price. I make no criticism of Mr. DIES for examining this witness. It may be that he may furnish information or leads which might be useful for the purposes of a legislative investigating committee, but witnesses of Fassbender's type are of limited usefulness for court purpose, and I do not feel that evidence obtained from such a source can properly be used as a springboard from which to launch an attack on the methods of the Federal Bureau of Investigation.

"In the protective field the Federal Bureau of Investigation has been making a highly creditable record. In September of 1939, at the request of the War and Navy Departments, the Bureau initiated a program of surveying the protective facilities of industrial plants. The program extends to all plants in which the War and Navy Departments have a particular interest. To date, the War and Navy Departments have requested surveys of 1,214 plants.

"Surveys have been completed and reports and recommendations have been submitted, or are being submitted, with reference to 1,032 of these plants. A total of 112 plants are in the process of survey at the present time. Among the 70 plants yet to be surveyed are a number in which the survey is being held in abeyance pending completion of building programs, awaiting the outcome of labor difficulties, and for other reasons. It is anticipated that the remaining surveys will have been completed by December 1.

"The rate at which these surveys can be made is indicated by the fact that between October 22 and November 14, 668 surveys were completed.

#### SCOPE OF SURVEYS NOTED

"The surveys are conducted by a specially trained group of F. B. I. agents and are intended to reduce to an absolute minimum the possibilities of espionage and sabotage operations within the plants surveyed. The surveys cover the entire physical property of the companies upon the priority list and include a study of the plant police force, the communication system, the care of confidential materials, handling of mail, the issuance of identification badges to employees, a study of power lines and sources of power, as well as other sources of essential materials, the establishment of restricted areas, and all other items and factors pertinent to the proper protection of the plant.

"Anticipating increased activity in this type of work in the future in view of the present rearmament program, a course of training has been installed in the Training Division of the Federal Bureau of Investigation, which is designed to qualify all of the special agents of the F. B. I. in this type of work.

"The Dies committee has reported on the activities of Ferdinand Kertess in the field of international business and espionage. The activities of Kertess have been under inquiry by the Department of Justice for a year and a half. Kertess was subpoenaed by the Department to appear before the Temporary National Economic Committee in May of 1939 and he appeared and testified in connection with the Department's investigation of the beryllium industry. This investigation, which was the subject of public hearings before the T. N. E. C., demonstrated that the beryllium industry was subject to patent control and penetration by German interests."

#### HOLDS F. B. I. "FINEST IN WORLD"

"For over 2 years the Department of Justice has been investigating the penetration of foreign influence into American industry. Indictments have already been obtained in three industries. In addition, there are pending investigations in a large number of defense industries involving foreign penetration and control.

"I am disclosing these facts to reassure the American public as to the ability of the Department of Justice and the Federal Bureau of Investigation to cope with any situation which may arise.

"I think it is highly regrettable that Mr. DIES should seek to undermine the confidence of the American public in the Federal Bureau of Investigation, which has long been regarded, and which I think deserves to rank, as the finest investigative organization in the world.

"The F. B. I. has gone about its task in an efficient and workmanlike manner without alarmist tactics and without sensationalism. It will continue to supply the prospective agencies and Government authorities with reliable, thoroughly sifted evidence as to subversive activities in this country. Efforts to arouse public sentiment or emotion, if that be desirable, will have to come from other sources."

I challenge any Member of the House to contradict that. Most of the information gathered by the Dies committee has been based on hearsay, and most of it had been brought to the public's attention before. There is not a scintilla of evidence that you could go before a grand jury and indict any one of the persons whom the Dies committee named in their so-called White Paper, which I had to pay 50 cents for as a Member of Congress. The Red Paper, however, which is being issued now, will cost a little more. It will be \$1.25. Whoever heard of a Member of Congress, who had voted to help make this investigation at the expense of the country,

having to buy a book of white or red or green or whatever kind of paper the Dies committee chooses to issue? What is the money given to the committee for? To make a study of the problem and present a report to the Congress.

Now, what did he do, my friends? If you want to know something about his investigation, you have to buy a book at \$2.50. This book is known as the Trojan Horse in America. That costs \$2.50. This is a report not to the Congress, Mr. Speaker, but it is a report to somebody in this country known as the so-called public suckers. And what is in this book? A lot of stuff that we had discarded in the Clerk's room when the McCormack committee filed its report in 1935.

I have noticed in the last 2 weeks that most of the members of the Dies committee were sitting here in Congress. Did they give the gentleman from Texas [Mr. DIES] a blank check to issue all these statements? I saw a few here last week and the week before. Have they given him a blank check to go on and issue these ruthless statements based upon no evidence? It seems that way.

If you will take the trouble to go to a newsstand and buy the magazine Friday, for 25 cents, it will give you more information about the "fifth columnists" and their un-American activities than you can find in the Trojan Horse book, the White Paper, and the Red Paper put together. If the gentleman from Texas [Mr. DIES] or his committee would have followed the information contained in this magazine they would get the key to the "fifth column"; they would get at the big shots who are pulling the strings instead of picking up small fry and interfering with the work of other Government agencies that are doing an honest and serious job of investigating foreign spies in this country.

I will give him some information if he really wants to subpoena the "fifth columnists." But he seems to discriminate between various types of "fifth columnists."

On November 19 I spoke on the floor of this House. You will find it in the Appendix of the RECORD, page 6636. I designated the charges that I have made with regard to un-American activities, going away back to 1933. I give you the date of the talk, the charges that I have made from 1933 up to the present time.

If the Dies committee would only follow up the "fifth columnists" I have enumerated at various times it would have no difficulty in securing legal evidence to present before any grand jury for their indictment, because they are inimical to our form of government and they are not proper people to remain in this country. But no, that has been disregarded. For the last 5 or 6 years, without ballyhoo or press releases I have been calling the attention of the Congress to what is going on. The press has not been as kind to me as it has been to the gentleman from Texas [Mr. DIES]. But that does not disturb me, for I am satisfied, because at least my conscientious endeavor and honest effort was put into my work and I tried my utmost to present the true picture to the Congress and the American people.

Mr. Speaker, the information this Congress wants from the committee is the kind of legislation necessary to rid this country of these subversive groups. A few years ago I tried to establish the fact that we have in this country at least several million people who believe in dual nationality. They are both German-Americans and Fascist-Americans, but not straight Americans. I went before the Rules Committee to ask that power be given to the Committee on Immigration, of which I have the honor to be chairman, to make an investigation and to study from the files and records to be able to suggest a remedy, but we got a run-around for 1 whole year. We could not get the rule out because certain people on that committee were afraid we might show that all this scare about immigration was nothing but ballyhoo, because while the front door is being shut for decent immigrants the back door is wide open and through this back door a lot of cheap peon labor is smuggled into this country to take the place of organized American labor.

Mr. HOFFMAN. Mr. Speaker, will the gentleman yield?

Mr. DICKSTEIN. I yield to the gentleman for a brief question.

Mr. HOFFMAN. Could not the gentleman lay that information before the House without being chairman of the committee? Could he not put it in the RECORD?

Mr. DICKSTEIN. I never asked to be made chairman of the committee and I have put a great deal of information in the RECORD at various times. The gentleman from Texas [Mr. DIES], who is a member of the committee, was jealous that I might infringe upon his investigation of un-American activities.

Mr. HOFFMAN. Oh, the gentleman does not mean that, does he, that the gentleman from Texas was jealous of him?

Mr. DICKSTEIN. I do not know; I do not know. We will let it lie as it is. There seems to be somebody somewhere in this Congress who runs the show. The McCormack committee tried hard to get an appropriation of \$40,000 or \$50,000 to investigate this very question way back in 1933 and all we could get was a little \$30,000. We had to go before the Accounts Committee and present evidence; we had to go before the House and submit documents and proof; yet another committee seems able to walk into the Committee on Accounts and get \$50,000, \$100,000—and I dare you to prove that a bit of evidence is presented by so-called committees to justify the expenditure of the money that has been appropriated for their use, and this applies to at least 10 different committees in the last 5 or 6 years.

Coming back now to what I want to bring home to this Congress: We want the gentleman from Texas [Mr. DIES] and his committee to stop their ballyhoo and present to the Congress recommendations for action and legislation. If the Communist Party is trying to overthrow this Government, let us destroy them by legislation. If the Nazis are trying to control this Government, let us pass laws to stop them.

Mr. PATRICK. Mr. Speaker, will the gentleman yield?

Mr. DICKSTEIN. Certainly; I yield to my distinguished friend from Alabama.

Mr. PATRICK. How long has it been since the Dies committee was first given the power to proceed?

Mr. DICKSTEIN. The Dies committee was set up in 1938.

Mr. PATRICK. Has it brought in any bill or recommended any legislation?

Mr. DICKSTEIN. No; not a thing; and even after reading the so-called White Paper you will find nothing recommended there. It is only a nice job of selling something that means nothing.

Mr. HOFFMAN. Mr. Speaker, will the gentleman yield?

Mr. DICKSTEIN. I yield for a brief question.

Mr. HOFFMAN. Can the gentleman explain to us why, if his committee has not brought in anything of value, the membership of the House continues it in force in successive years? Are we all dumb?

Mr. DICKSTEIN. I do not know. The gentleman can answer that himself.

Mr. HOFFMAN. I did not think so. I thought the majority were intelligent and patriotic.

Mr. DICKSTEIN. All right; all right. His committee will be continued next year. He is now asking for \$5,000,000 more. He has scared the country with this ballyhoo; he has scared us. Some Congressmen even came to me this morning and said, "I do not think we can get enough votes to beat it." He has taken this Trojan horse around in the different districts until he has the people scared.

Mr. HOFFMAN. The gentleman will admit that the gentleman from Texas [Mr. DIES] is a good showman, then?

Mr. DICKSTEIN. I certainly do.

I want to say to you, Mr. Speaker, and to this House, that, in all sincerity, in 1937 or 1938, before the Dies committee was ever in existence, I made a check-up on the Nazi Camp Nordland. I was there and was accompanied by some good people. We found that the Nordland camp was a menace to this country and a menace to the honest citizens of New Jersey. I came to this House and begged for some action. I told the Congress that the Nordland camp was located within a few miles of the Hercules powder plant, that it was dangerous to allow it to stay there. The records bear out my statement. There is something wrong in Denmark when

a camp like that is established next to the largest powder plant in this country.

[Here the gavel fell.]

Mr. DICKSTEIN. Mr. Speaker, I ask unanimous consent to proceed for 5 additional minutes.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. DICKSTEIN. Mr. Speaker, I do not have to tell you what happened. The place was blown up; 250 people lost their lives, property was destroyed, and the Dies committee did not even check on who the members of that bund were in the Nordland camp. What happened after the explosion?

Mr. HOFFMAN. Will the gentleman yield?

Mr. DICKSTEIN. I cannot yield.

Mr. HOFFMAN. I want to ask a question.

Mr. DICKSTEIN. I want to bring something home to the gentleman.

Mr. HOFFMAN. How do you know they did not check up?

Mr. DICKSTEIN. Well, I know it because they had a hearing a week or two after that in Newark, N. J. They were going to tell us who was behind this whole movement. When the executive meeting was had they brought a couple of cracks from the Nazi bund in and put them on the stand. They repeated their hash, maybe 15 times. This was just to quiet the public and to lead them to believe that they were going into this Hercules plant destruction. If they would have originally subpoenaed certain groups of the Nazi Bund in New Jersey, they would have found out who the members were. They should have subpoenaed all the people on the list, and investigated their activities. Of course, after the cow is gone, what is the use of the barn?

We want legislation. If it be Communists who are seeking to undermine or destroy our Government, let us destroy them first by legislation, not by publicity. If we have people who seek to overthrow our Government, let us jail them or deport them or send them back to the Fuehrer, Mr. Hitler, in Germany, or to Stalin, or send them wherever they have to go. Two years is enough of reading a lot of incompetent material. Let us get to work, Mr. Speaker, and I plead with you with all the sincerity I have at my command to forget the Dies committee.

We know now what is the trouble. We know what to do. Why not do it without more of these so-called white papers, red papers, green papers, about white shirts, blue shirts, and the dirty shirts? Let us get rid of them. We know what to do. Let us pass constructive legislation and stop scaring the people, which has been done by the Dies committee that has a blank check from the Congress.

Mr. MARTIN J. KENNEDY. Will the gentleman yield?

Mr. DICKSTEIN. I yield to the gentleman from New York.

Mr. MARTIN J. KENNEDY. Does not the gentleman think that all of the things he has outlined will be definitely settled at this conference on Friday with the President?

Mr. DICKSTEIN. I do not know.

Mr. MARTIN J. KENNEDY. I think the Congress and the country is disgusted with what has happened. Certain things were published at Boston. The committee are denying and they are repudiating these things. Certainly they are embarrassing the administration.

Mr. DICKSTEIN. Notwithstanding that, if the gentleman from Texas [Mr. DIES] comes in with a resolution in January, I venture to say that the Members, who are scared and believe what he says in the newspapers, will be afraid to vote against this so-called ballyhooing around the country.

Let us be men. Let us fight the enemy within because that is the only way we can get rid of them. I will vote for any law that will destroy any man or woman who seeks to undermine this Government. I will go as far as any man in the House to rid this country of undesirables, but let us do it, Mr. Speaker. Let us stop this book writing whereby one Member of Congress has to pay \$2.50 to find out what another Member of that body has done. The gentleman from Texas [Mr. DIES] seems to be much more interested in



making reports to the public than he is in making his report to the Congress. [Applause.]

[Here the gavel fell.]

The SPEAKER pro tempore. Under a previous special order, the gentleman from Oregon [Mr. ANGELL] is recognized for 10 minutes.

#### THE PLIGHT OF THE AMERICAN APPLE GROWER

Mr. ANGELL. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks in the RECORD and to include certain excerpts and some records from the Department of Agriculture.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon [Mr. ANGELL]?

There was no objection.

Mr. ANGELL. Mr. Speaker, I call attention to the distressing situation in my section of the United States, the Northwest, due to the importation of fresh apples from Canada. This is not only depressing the price received by our American growers but is depriving many American apple producers of an opportunity to sell their crops at any price. In our district many growers have been compelled to abandon their entire crops owing to their inability to find a market. The Canadian apples, however, are coming into our markets and crowding out our own growers. The reports from the Department of Agriculture for October 21 show arrivals of 68 cars of apples in the Chicago market. On this same day there arrived from British Columbia 33 cars. The Surplus Marketing Administration has attempted to give some relief. Its work, however, is being nullified by the Canadian importations. On October 25 the Surplus Marketing Administration reported it had purchased 792 cars of apples. At the same time 485 cars of Canadian apples had been imported. Our Government is permitting foreign apples to come into our markets, supplanting the American-grown product, and the Government is taking tax dollars which come from the farmers and other taxpayers to buy up the surplus. In effect the United States is buying the Canadian apples in an attempt to aid the American farmer. It is true that we are exporting apples also to Canada. This, however, does not provide a remedy. The unequal rates of duty and of exchange operate against the American farmer. The Department of Agriculture has sent representatives to Ottawa to confer with the Canadian Government seeking a solution of the problem. No effective steps have been taken by our Government to afford protection to our growers. In the meantime their crops have rotted in the orchards. I recently addressed a protest to the Secretary of Agriculture, urging remedial measures be taken. A way out is provided by the terms of the treaty with Canada—raising the duty as Canadian currency is depreciated. No steps have been taken to bring this about. The Tariff Commission may also take action under sections 22 and 32 of the Agricultural Adjustment Act. This is not being done. The Honorable Claude R. Wickard, Secretary of Agriculture, in response to my protest, wrote me under date of November 26, 1940, as follows:

DEPARTMENT OF AGRICULTURE,  
Washington, November 26, 1940.

Hon. HOMER D. ANGELL,  
House of Representatives,

DEAR MR. ANGELL: Reference is made to your letter of November 12, with which you enclosed a statement forwarded to you by Mr. J. E. Klahre, General Manager of the Apple Growers Association, Hood River, Oreg.

It is true, as Mr. Klahre points out, that the United States duty on imports of apples is 15 cents a bushel and that the Canadian duty is approximately 60 cents a bushel. The American rate was fixed in the 1936 trade agreement with Canada and continued in the agreement of 1939. The Canadian rate was in effect for a number of years before 1936. Notwithstanding the difference in the rates, the United States has been for many years a net exporter of apples to Canada as may be seen in the attached table.

The Department has been keenly aware of the large imports of Canadian apples this season and has recently sent two representatives to Ottawa to consult with Canadian Government officials on the subject. These representatives found that the Canadian authorities had been taking steps which appeared to be bringing matters under control. The situation as reported is described in the enclosed press releases dated November 6 and 11, and in the attached copy of Foreign Crops and Markets for November 12. Approximately 70,000 bushels have been shipped since the Ottawa discussions, leaving a balance of possibly 180,000 bushels yet to be

expected. The rate of arrivals has now fallen from an earlier average figure in excess of 20 cars a day to less than 10 cars daily.

At no time has there been evidence of dumping of Canadian apples in the United States. So far as can be learned the Canadian Government has neither subsidized nor otherwise stimulated shipments.

Irrespective of Canadian imports, apple growers in the Northwest were this year faced with a difficult marketing situation owing to the prevalence of large sizes in certain varieties. The Surplus Marketing Administration has given substantial assistance through its surplus relief program. For the week ended November 9 purchases of apples in the United States amounted to 763 cars, while the total for the season up to the same date was 4,463 cars.

Sincerely yours,

CLAUDE R. WICKARD,  
Secretary.

#### Number of bushels of United States fresh-apple imports from Canada Season:

1933-34	13,090
1934-35	9,779
1935-36	5,346
1936-37	36,117
1937-38	5,371
1938-39	46,744
1939-40	106,968

#### Number of bushels of United States fresh-apple exports to Canada Season:

1933-34	73,059
1934-35	98,838
1935-36	235,962
1936-37	509,961
1937-38	313,672
1938-39	135,549
1939-40	124,469

NOTE.—There are about 750 boxes per car.

Compiled from official records of the Bureau of Foreign and Domestic Commerce, Office of Foreign Agricultural Relations.

The following is a statement with respect to this matter I called to the attention of the Secretary:

In connection with the movement of Canadian apples into the United States the following facts are of interest:

The Canadian duty, with the dump duty included which is now in effect against apples from the United States into Canada, is approximately 60 cents a box.

The duty of the United States for Canadian apples is 15 cents.

The current quotation for Canadian dollars is 85 cents in United States currency. It is apparent that apples moved into the United States and sold, payment being received in United States money, the difference in the exchange offsets the duty of the fruit into this country. In other words, at the present time there is no duty from a practical standpoint on apples from Canada into the United States, but the Canadian duty is 60 cents plus the exchange depreciation.

Another inequality to be considered is the fact that the fruit being sold in British Columbia is sold on a delivered basis, payment being received in United States currency. The freight rate, however, is paid in Canadian currency at a depreciation of 15 percent, making another inequality which is permitted by the State Department under the present Canadian treaty.

From the beginning of the present season up to October 27, 485 cars of Canadian apples were imported into the United States. At 756 boxes each, the standard load to the car, this amounts to 366,660 boxes already shipped into this country to compete with apples grown in the United States. This is approximately three times the amount of apples shipped into the United States from Canada during all of last season. This competition is affecting prices of apples grown in this country, particularly those grown in the Pacific Northwest. The apples shipped from British Columbia are packed in standard boxes such as are used in this territory and are selected to meet the requirements of the United States markets.

The Surplus Marketing Administration, a division of the Department of Agriculture, has adopted a policy of buying part of the surplus crops of the United States to support the price level at a figure which will tend to insure to the growers of this country the cost of production for the fruit.

To illustrate what is taking place, we would cite the report of the Department of Agriculture issued under date of October 21 for the arrivals of apples in Chicago. These included arrivals over the week end not covered in the previous report. The report showed the arrival of 68 cars of apples, including 25 cars trucked in from Michigan and Wisconsin. The arrivals included shipments from the States of Colorado, Idaho, Illinois, Iowa, Maryland, Michigan, New York, Oregon, Pennsylvania, Washington, West Virginia, and Wisconsin. The arrivals from British Columbia on this single day's report showed 33 cars, or almost half of the arrivals from all points in the United States. It is apparent that had the Chicago market been relieved of one-third of the arrivals of apples on that day that the price would have been considerably higher, just as it was before the market was depressed by these arrivals from the Province of British Columbia in Canada.

Washington announces under date of October 25 that the Surplus Marketing Administration had purchased 792 cars of apples up to that date. It is interesting to note that at the same time

485 cars of Canadian apples had come onto the market in this country, tending to nullify the actions of the Department of Agriculture in their purchasing program. In other words, approximately one-third of this purchase money collected from the taxpayers of the United States has been wasted in taking care of a part of the surplus-apple crop of Canada. This crop has already been subsidized by the Canadian Government, and this amount of apples is dumped on the American markets to the great injury of the American producer, and particularly to the fruit growers of the Pacific Northwest.

The attention of the Department of State and the Department of Agriculture has been repeatedly called to this critical situation. If these shipments continue and Canada is allowed to flood this country with apples subsidized by the Canadian Government, at the present rate of shipment at least 1,500 cars of Canadian apples will come into this country, nullifying absolutely all that the Surplus Marketing Administration has done up to the present time to stabilize the market for apples in this country. How long will the shipment of this Canadian subsidized apples be allowed to continue?

Mr. Speaker, this acute problem facing the apple growers of my district was discussed by Mr. John C. Duckwall, regional director for Oregon of the International Apple Association, in an article appearing in the Oregon Journal, November 23, 1940. The article is as follows:

#### PROBLEM FACED BY APPLE GROWERS

(By John C. Duckwall, regional director for Oregon of the International Apple Association)

I wish to call your attention to the excessive importation of Canadian apples into this country and the preference given these shipments in comparison to the sale of northwestern apples on our own domestic markets.

This is not a normal movement but one caused by the dislocation of world markets as a result of the war. Last year Canada shipped 150 cars of 756 boxes each into the United States during the entire season. This year, up until November 5, 607 cars have been shipped. It is estimated that 200 additional cars will come into this country in November. In one day in October (the 21st) the Chicago market alone received 33 cars of Canadian apples. Approximately one-third of the apples received that day were from Canada. Although a committee conferred in Ottawa recently, no limitation has been set on this movement from British Columbia.

#### BUY TO PEG PRICE

During this time the Surplus Marketing Administration of the Department of Agriculture, to support the price of apples, has purchased 3,650 cars for relief purposes. Between 15 and 20 percent of these purchases were in effect to allow a similar amount of apples from Canada to come into the domestic markets, to the detriment of the domestic growers. The British Columbia shippers have an advantage in freight rates as a result of the depreciated exchange, and also gain in the depreciation of exchange as their apples are paid for in American dollars based on delivered prices to our markets. The duty of 15 cents per box is canceled by the exchange depreciation. In comparison, the Canadian duty, including the dumping-protection duty, at this period in the seasons is approximately 61 cents per box.

#### THE ARGENTINA PROBLEM

The growers of the Northwest feel that a similar condition will soon take place in early 1941 when the shipments of pears from Argentina are imported into the United States.

A further threat is caused by the uneasiness on the part of the trade throughout the country as the result of the unknown factor as to how large a volume of apples will be shipped during the balance of the season and the amount of fruit going into cold storage at the present time. This has a direct and deciding influence on the present market.

Shippers and shippers' organizations in the districts of Wenatchee, Yakima, Hood River, and Medford have protested this abnormal movement. An embargo on these shipments is not being asked, but a limitation is requested in line with former average imports. The Departments of State and Agriculture have been contacted and the representatives in Congress have been advised of the situation. Messrs. McNARY and HOLMAN in the Senate are working earnestly to secure definite action. Representative PIERCE, of the House Agricultural Committee, has presented this matter, assisted by Representatives MOTT and ANGELL. Governor Sprague has also been advised of the situation. The Portland Chamber of Commerce, we understand, is making a recommendation for limitation of shipments. The Oregon Farm Bureau and the Associated Marketers of Wanatchee have protested to Federal authorities.

Earlier in the season representatives from the State of Washington and Governor Martin repeatedly contacted the Department of State and the Department of Agriculture in protest against excessive shipments. Senator HARRY BYRD, of Virginia, and grower organizations in that district have made protest by letter.

#### THREE REMEDIES AT HAND

Remedies are available for this situation if action would be taken. First, a remedy is possible under the treaty with Canada whereby the duty would be raised as the Canadian currency depreciated. This action has not been taken, and is recommended. Second, the Tariff Commission should make an immediate investigation with the thought that continued importations are reasonably certain to interfere with the Government program under the Soil

Conservation and Domestic Allotment Act under sections 22 and 32 of the Agricultural Adjustment Act. We recommend that global quotas be established and that Canada, for instance, be allotted the same importations which that country has had in the past over a period of years, total shipments to be approximately the total as the average for such a period. These quotas would apply not only this season but in succeeding years, which would give protection to the American produce and would be fair to foreign imports of agricultural products. This would apply not only to Canadian shipments of apples but Argentine imports of pears, which is sure to occur early in 1941 unless some definite action is taken. Third, we believe that added legislation should be enacted to protect the agricultural interests of this country under war emergency legislation. Such legislation would enable action to be taken quickly where our vital interests were affected.

#### FARMERS HARD HIT BY DECLINE IN AGRICULTURAL EXPORTS

The Department of Agriculture in its report (Foreign Crops and Markets, vol. 41, No. 19, November 12, 1940) shows that while exports of nonagricultural commodities increased by 42 percent over their level 12 months earlier exports of agricultural commodities declined 47 percent. The volume of exports of all farm commodities during September was the lowest for any month as far back as 1915, when the monthly volume index was begun. The 73-percent decline in the index of the volume of total farm exports was accompanied by a 70-percent decline in their value.

The farmer has not only been deprived of his foreign market but the bars have been let down permitting the flooding of the American market with competitive agricultural products. He is not placed on a parity basis with the industrial producer. The American farmer cannot prosper until parity prices are assured to him. America cannot prosper until the farmer prospers. The plight of the apple growers is similar to that of all farmers. Twenty-five percent of our population lives on farms but receives only 6.6 percent of the national income. The farmer receives for his labor only 5 to 20 cents per hour.

Mr. Speaker, I include as a part of my remarks an excerpt from the report of the Department of Agriculture to which I have referred. (Foreign Crops and Markets, vol. 41, No. 19, pp. 713-716, November 12, 1940.) It follows:

#### INTERNATIONAL TRADE—UNITED STATES FOREIGN TRADE IN AGRICULTURAL PRODUCTS, JULY TO SEPTEMBER 1940

United States foreign trade in agricultural products in the first quarter of the current fiscal year reflected the influence of the European war even more clearly than in preceding periods. Due to unusually heavy exports of industrial commodities (mostly war materials), exports of nonagricultural commodities increased by \$254,000,000, or 42 percent, over their level 12 months earlier. Exports of agricultural commodities, on the other hand, in the face of rationing in the great European markets, declined about \$70,000,000, or 47 percent.

Imports of nonagricultural commodities into the United States during the 3 months advanced approximately \$47,000,000, or 17 percent, over those during the like period last year. Imports of agricultural products showed a somewhat smaller increase, but this was due entirely to heavy takings of complementary agricultural products. The import value of the supplementary group, the one of direct interest to American farmers, declined \$18,000,000, or 13 percent.

#### EXPORTS

The volume of exports of all farm commodities during September was the lowest for any month as far back as 1915, when the monthly volume index begins. The 73-percent decline in the index of the volume of total farm exports was accompanied by a 70-percent decline in their value. As can be seen in the table on the following page, every one of the leading commodity groups involved shows an important decline from the level of September a year ago, as well as from the 10-year average (1929-38). Exports of cotton (including linters) scored the highest percentage decline (86 percent), while the lowest percentage decline (35 percent) occurred in exports of grain and grain products. Exports of each one of the 12 commodities listed in the table on pages 718 and 719 declined 60 percent or more from their September level of last year, with the one exception of oranges.

The decline in cotton exports is particularly striking. Shipments of cotton (including linters) during September were lower than in any month since August 1914. Since cotton generally accounts for about half of total domestic exports of agricultural products, the rapid decline that started last February has had an important adverse effect on the total figures. Prior to that, very heavy cotton shipments (not primarily due to the effects of the war) kept the farm export total high in spite of low exports of most other leading items. The value of cotton exports during January, which was the peak month for the year, amounted to more than 60 percent of the total value of all agricultural exports. By August it had fallen to a little less than 15 percent of the total. Viewed in another light, the value of cotton exports during August shows a



94-percent decrease from the January level, while for the same 2 months the decline in the export value of all agricultural commodities except cotton was 39 percent.

United States: Index numbers of the volume of agricultural exports, adjusted for seasonal variation September 1940, with comparisons

[July 1909-June 1914=100]

Commodity of commodity group	August		September			July-September average <sup>1</sup>	
	1939	1940	1938	1939	1940	1939	1940
All commodities.....	63	32	66	81	22	58	28
Cotton fiber, including linters.....	67	18	56	95	13	52	15
All commodities except cotton.....	70	48	81	66	34	67	45
Tobacco, unmanufactured <sup>2</sup> .....	122	52	169	127	21	97	38
Fruits.....	287	28	402	256	80	174	38
Grains and grain products.....	78	43	76	52	34	78	57
Wheat, including flour.....	81	28	41	44	24	82	36
Cured pork <sup>3</sup> .....	23	4	17	17	5	23	4
Lard <sup>4</sup> .....	68	30	53	70	28	62	41

<sup>1</sup> Based on monthly index numbers not adjusted for seasonal variations.

<sup>2</sup> Includes stems, trimmings, etc.

<sup>3</sup> Includes bacon, hams, shoulders, and sides.

<sup>4</sup> Beginning Jan. 1, 1938, includes neutral lard.

Compiled from official records, Bureau of Foreign and Domestic Commerce.

#### IMPORTS

Imports of agricultural products, like imports of nonagricultural products, continued to show gains over last year. Improved domestic industrial activity and higher purchasing power have been largely responsible for this. The import value of farm commodities for the first 3 months of the current fiscal year was 11 percent above that for the corresponding period of 1939-40.

The most striking increases occurred in the complementary group of imports. Crude-rubber imports rose 114 percent in value, cocoa or cacao beans 113 percent, drugs 70 percent, and vegetable fibers 46 percent. The entire complementary group rose by \$49,000,000, or approximately 36 percent.

The supplementary group, on the other hand, declined by \$18,000,000, or 13 percent. The decline in supplementary imports was largely due to the unusually heavy decline scored in imports of sugar, although imports of a few other products (such as flaxseed, meats, cheese, milk, cattle, and some vegetables) also declined considerably.

This comparison with the July-September quarter a year ago fails to bring out a decline that took place between July and September of the current year. As a general rule, the trend of imports into the United States tends to follow that of domestic industrial activity. The decline in imports during this period, however, was accompanied by a rise in the Federal Reserve Board index of industrial production.

The import decline affected both agricultural and industrial groups, as is shown in the table on page 717. Moreover, among the leading supplementary agricultural imports the decline was fairly general. Of the 12 leading commodities listed in the table on pages 720 and 721, all except wool show a decrease from the July level. It should be noted, however, that only a few of the declines were of significant proportions. Vegetable oils and oil seeds and sugar accounted for the bulk of it.

United States imports of tung oil during September fell off, at least partly as a result of the interruption of transportation caused by war in the Orient. The importation of some of the other oils, particularly olive oil, was made difficult by the effect of similar developments in the Mediterranean area. On the other hand, large United States production of oil seeds also tended to discourage imports.

Sugar imports appear to have been affected primarily by the low prices that prevailed during the first quarter of the current fiscal year. Cuba supplies the bulk of this commodity and, because of geographic proximity, is in a position to withhold shipments during periods of relatively low prices in anticipation of more favorable marketing conditions. Moreover, since sugar imports are rigidly controlled by a quota based on calendar-year consumption, it is highly improbable that the monthly fluctuations will have any appreciable effect on the annual total.

Imports of wool into the United States during September advanced 5,000,000 pounds, or about 49 percent, over the July level. This was associated with a 27-percent rise in apparel-wool consumption in the United States.

Summary table: Value of foreign trade in agricultural products, July-September 1939 and 1940

Commodity	July-September <sup>1</sup>			
	1939	1940	1940 increase (+) or decrease (-)	
	1,000 dollars	1,000 dollars	1,000 dollars	Per cent
Agricultural products:				
Exports.....	149,797	79,988	-69,799	-47
Imports (supplementary).....	138,280	120,269	-18,011	-13

<sup>1</sup> Corrected to Oct. 25, 1940.

Summary table: Value of foreign trade in agricultural products, July-September 1939 and 1940—Continued

Commodity	July-September			
	1939	1940	1940 increase (+) or decrease (-)	
	1,000 dollars	1,000 dollars	1,000 dollars	Per cent
EXPORTS (DOMESTIC)				
Total exports of all commodities.....	758,544	942,535	+183,991	+24
Agricultural.....	149,797	79,988	-69,799	-47
Cotton, unmanufactured.....	53,005	16,638	-36,367	-69
Agricultural, other than cotton.....	97,986	63,658	-34,328	-35
Principal fruits and fruit preparations.....	18,869	4,781	-14,088	-75
Tobacco, unmanufactured.....	21,698	8,283	-13,415	-62
Grains and flours.....	19,613	18,129	-1,484	-8
Cottonseed and linseed cake and meal.....	1,892	23	-1,869	-99
Pork and lard.....	10,339	4,311	-6,028	-58
Other agricultural products.....	25,575	28,131	+2,556	+10
IMPORTS (FOR CONSUMPTION)				
Total imports of all commodities.....	550,059	628,519	+78,460	+14
Supplementary agricultural.....	138,280	120,269	-18,011	-13
Sugar, excluding beet.....	45,944	29,334	-16,610	-36
Principal vegetable oils, expressed.....	9,753	12,582	+2,829	+29
Hides and skins.....	9,857	11,397	+1,540	+16
Tobacco, unmanufactured.....	9,754	9,989	+235	+2
Flaxseed.....	3,693	1,735	-1,958	-53
Wool, unmanufactured, excluding free in bond.....	5,246	8,216	+2,970	+57
Cattle, dutiable.....	4,646	3,189	-1,457	-31
Nuts and preparations.....	3,484	3,477	-7	(?)
Cheese.....	2,589	982	-1,607	-62
Cotton, unmanufactured.....	2,048	2,118	+70	+3
Beef, canned, including corned.....	2,876	1,380	-1,496	-52
Molasses.....	2,555	3,062	+507	+20
Principal feeds and fodders.....	2,428	2,475	+47	+2
Other supplementary agricultural.....	33,407	30,333	-3,074	-9
Percentage:				
Supplementary agricultural imports of agricultural exports.....	Percent 92	Percent 150		
Agricultural exports of total exports.....	20	8		
Supplementary agricultural imports of total imports.....	25	19		

<sup>2</sup> Less than 0.5 percent.

Compiled from official records, Bureau of Foreign and Domestic Commerce.

Mr. Speaker, the Unemployment Conference of the House, of which I am a member, in discussing the farmer, said (H. Doc. 850, 76th Cong., 3d sess., pp. 6, 7):

That while the national income during the last 30 years has increased 250 percent, from \$26,415,000,000 to \$67,608,000,000, the farmers' cash income in 1939 was practically the same as it was in 1909, and instead of being 16.4 percent of the total, as in 1909, the farmers' cash income from the sale of their crops had dropped to 6.6 percent. That means that 25 percent of our total population must try to live on only 6.6 percent of the total national income. Do you wonder that they leave the farm as quickly as they can get away?

That, at the same time, the small percent of the national income which the farmers receive will today buy less than it would in 1909.

Your committee is thoroughly convinced that unemployment cannot be solved, that prosperous conditions cannot be realized, merely by increasing industrial wages or merely by seeking to restore more prosperous conditions in the cities and industrial centers. Our investigation goes back over 100 years, and it appears, without exception, that whenever wages or conditions improve in the towns and cities there is an immediate and substantial rush from farm to city. That is but the human, the natural thing. Today the farmer is receiving for his crops a price which returns him a wage for his labor of from 5 to 20 cents an hour. Any man who seeks to improve his condition, who has any respect for his wife, who wants an education and decent clothing for his children, will move where he is guaranteed at least 30 cents an hour and can have the benefits of unemployment insurance and old-age security.

On the other hand, your committee is convinced that the greatest potential market in the world today is the American farmer, and that, if given a proper return for his crops, if given the purchasing power, he will go into the markets of this Nation and will make necessary the employment of millions of additional workers in our manufacturing and industrial plants. Agriculture is the foundation of all civilization; it is the rock upon which all true progress and prosperity must build; it provides the raw materials which are the basis of all industrial employment; it is the key to many of our present-day problems, including unemployment.

Mr. Speaker, aside from national defense, the Congress is faced with no greater problem than that of bringing permanent relief to the American farmer. By solving the farm problem we will in a great measure find a solution for unemployment, and we will provide markets for industrial America. We can make a start by protecting the markets for our apple

growers, who constitute a large segment of the farm population. While regular channels of foreign commerce in agricultural products have been closed by the war, we should at all hazards preserve our American markets for American farmers.

## SPECIAL ORDER

The SPEAKER pro tempore. Under a previous special order the gentleman from Michigan [Mr. HOFFMAN] is recognized for 10 minutes.

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks in the RECORD and to include excerpts from letters I have received.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan [Mr. HOFFMAN]?

There was no objection.

Mr. HOFFMAN. Mr. Speaker, the gentleman from New York [Mr. DICKSTEIN] stated he would vote for any legislation which would accomplish the purpose toward which he was directing his remarks. The gentleman is present and I want to ask if he has introduced any legislation of that kind.

Mr. DICKSTEIN. I have introduced legislation which the Rules Committee refuses to report.

Mr. HOFFMAN. Has the gentleman filed a petition with the Clerk?

Mr. DICKSTEIN. I intended to file it, but it would be useless. I hope to continue fighting after January 3 next year.

Mr. HOFFMAN. The gentleman says it is useless. Is that because he doubts the intelligence and patriotism of the Members of the House, or why?

Mr. DICKSTEIN. I do not put it that way. I have the highest regard for all Members of the House, including members of the Dies committee as far as they go as Members of the House. I am willing to go as far as the gentleman or any man in this House to rid the country of undesirables if I am given the opportunity to do it.

The Rules Committee should vote out this proposed legislation, as we asked them to do. This legislation is sponsored not only by myself but by both the Republican and Democratic members of the committee.

Mr. HOFFMAN. Does not the gentleman think that if his legislation is good there is intelligence and patriotism enough in the House to get it out for a vote?

Mr. DICKSTEIN. Will the gentleman yield for a question?

Mr. HOFFMAN. Yes.

Mr. DICKSTEIN. If we brought in a bill to do something with regard to ridding this country of the so-called "fifth column," and the gentleman from Texas [Mr. DIES] brought in a resolution, whose resolution does the gentleman think would be adopted, honestly speaking?

Mr. HOFFMAN. I do not speak any other way, nor do I speak other than frankly.

Mr. DICKSTEIN. I know it. That is why I am asking the gentleman that question.

Mr. HOFFMAN. I think, in view of the remarks the gentleman has made so many times and his indication of lack of faith and confidence in Members of the House, that probably, having in mind the vote on the Dies resolution at various times, they would vote for the legislation of the gentleman from Texas [Mr. DIES] if it had equal merit.

Mr. DICKSTEIN. If that is so, why does not the gentleman from Texas bring it up? I will vote for it.

Mr. HOFFMAN. The one matter I wanted to talk about today was an article which appeared in the Washington Evening Star recently. But before proceeding with that let me make some preliminary statements.

## AID AND COMFORT TO THE ENEMY—PATRIOTISM ON BORROWED MONEY

Billions of dollars have been appropriated for national defense—all of it borrowed. For a hundred years and more, future generations will be working to make payment of the interest and principal of this debt.

A million and more young men are to be taken from their homes; conscripted for national defense—all this because, we are told, shortly a foreign enemy will be knocking at our doors,

seeking to invade our land, destroy our homes, overthrow our Government.

Yet every day, as we sit here idle, an administration which proclaims the danger, whose duty it is to prepare to meet it, by its inaction gives aid and comfort to this enemy. This it does in two ways—by raising the cost of our national defense and by permitting active interference with the program for national defense.

## TOO INDIFFERENT OR AFRAID TO ACT

Let us speak of the latter first. Monday, last, four Members of the House, the gentleman from Texas [Mr. SUMNERS], the gentleman from California [Mr. COSTELLO], the gentleman from Georgia [Mr. COX], and the gentleman from Virginia [Mr. SMITH], members of the majority party, rose on the floor of the House and in no unmistakable terms and in all sincerity denounced the strikes which have occurred in industries, the continuous and efficient operation of which are essential if we are to adequately prepare to meet the threatened invasion.

## HALFWAY ACTION

Following that irrepressible outburst of patriotic indignation, the Judiciary Committee of the House met, and, according to the press, asked the executive department of the Government if new legislation was necessary to prevent or to end these strikes which were delaying the production of munitions of war and at least one of which, according to Attorney General Jackson, was caused and prolonged by Communists.

Forced to take notice of the fact that the Congress would no longer submit to this treasonable conduct, the executive department forthwith, through its representative, who flew to Downey, Calif., forced a settlement of the Vultee strike, but gave the credit for bringing about the settlement to a C. I. O. union official. In truth and in fact, the settlement of that strike was forced by the action of the members of the majority party, who, on Monday, served notice upon the administration that the public was fed up with its coddling of Communists and subversive groups.

## FUTURE PROTECTION NOT GUARANTEED

But the settlement of this one strike does not insure non-interference with our defense program, nor does it restore to the American citizen his constitutional and his God-given right to work. When man was thrown out of the Garden of Eden there was at least a tacit promise that, instead of starving to death, he might have the right to earn his own livelihood. And down through the ages, never a tyrant, until the present day, has been foolish enough, presumptuous enough, cruel enough, to deny that right, for even the slave must eat.

Until the advent of the present "new order," the slave was permitted to take from what he produced enough to keep body and soul together, and the wiser masters permitted him enough to maintain his strength so that he might labor the longer.

But today, although men are drafted to train and fight for the preservation of our Nation, they are denied, until they have paid tribute to the modern bloodsucker and parasite disguised as a union organizer or official, the right to work for the preservation of that Nation, for the food which maintains life in their bodies so that they may serve their country.

## RIGHT TO WORK STILL DENIED

Since Monday, an Executive frown settled the Vultee strike. But we have no word from the executive department, no action, which indicates that the constitutional right of the American citizen to earn his livelihood without the payment of tribute is to be restored to him.

Long years ago one Chief Executive of our Nation sent our warships to teach the Barbary pirates that they could not levy tribute upon our people. Today another Executive ignores the racketeering, the criminal acts which take from the worker a portion of his pay check as a prerequisite to rendering a needed service to his country.

Apparently, by adjourning from Monday to Thursday to Monday, and by refusing to consider proposed legislation, the Congress intends to let this procedure continue while hun-



dreds of thousands—yes, millions—of dollars are collected from the wage earners.

This administration has often proclaimed its desire to aid the American worker. Today not only is it permitting the American worker to be exploited, a part of his pay check to be taken from him without an adequate return, but by its inaction it is hindering and delaying the prompt carrying out of our preparations to meet the enemy, who, it has told us, is shortly to invade our land, and the cost of defense skyrocketed.

To this administration let me commend the words of Emerson, who wrote—

Go put your creed into your deed; nor speak with double tongue.

#### WASHINGTON STAR RETRACTS

In the Washington Evening Star of November 20, the Star's reporter, Robert Bruskin, gave an account of how he obtained a carpenter's job at Fort George G. Meade, Md., where the wage is \$1.25 per hour. The substance of the story was that, by agreeing to pay \$57.50 to a union, he was enabled to obtain a job as a carpenter, even though he had no experience in that trade.

In a subsequent issue, the Star, at the demand of Henry W. Blumenberg, general representative of the union, retracted that portion of the story which stated that the job was obtained without a statement as to the reporter's qualifications for his job.

It appears that the reporter signed a questionnaire in which he declared that he had had 4 years' experience as a carpenter and that then he was given a temporary, rather than a permanent, union card.

Assuming that the reporter did sign a questionnaire in which it was stated that he had had 4 years' experience, it is quite evident that it was signed as a matter of routine and that the union made a practice of accepting the applicant's statement as to his qualifications, at least for a temporary job.

Perhaps one of the reasons for this willingness to accept the applicant's statement is found in the following application permit issued to Mr. Bruskin. It reads as follows:

Local No. 101, U. B. of C. and J. of A.

Application permit

Baltimore and vicinity.

Phone Vernon 2814.

715 N. Eutaw St.

2299

Nov. 18, 1940.

This is to certify that Mr. Robert Bruskin has paid the amount of \$— on his application for membership in the above local union and permission for him to work at carpenter work or any of its branches is hereby granted from Nov. 18, 1940, to Nov. 29, 1940.

Balance due \$57.50.

Fin. Secretary.  
JOHN J. MOLLOY, Bus. Agent.

Note the statement, "Balance due, \$57.50." From a subsequent statement, purporting to be made by a union official and published in the local press, it appears that, under these permits, the applicant was permitted to work 3 days. If, at the end of 3 days, he was found to be incompetent, he was discharged. Under this procedure, it was stated that a thousand workers had been discharged for incompetency, although apparently granted cards by the union.

That certainly is a wasteful and expensive method of selecting workers. The thousand incompetent workers, if they received the usual pay, were entitled to \$1.25 an hour, which, for an 8-hour day—and there is time and a half for overtime and double time for holidays—would mean \$10 per day, or, for the thousand, \$30,000 for the 3 days' work—an added burden to the taxpayer and all for inefficient service.

In the first place, why should the union be charged with the responsibility or given permission to issue permits to work on a Government job, especially when that procedure in this one instance alone, according to the statements of the union official, resulted in an unnecessary cost to the Government of \$30,000 for 3 days' work on one job?

When we consider the number of jobs and the number of workmen employed throughout the country on defense work, it is evidence that there should be some more efficient method of employing those who are to receive Government wages.

#### NO RETRACTION ON THE VITAL ISSUE

Moreover, the real point in Mr. Bruskin's whole story is that before a man can work on a Government job he must either agree to pay or pay a fee to a union official.

Just who is this man Blumenberg? Just what sort of an organization does he represent which justifies him or it in saying to an American citizen that before he can assist in the Nation's defense program he must sign an agreement to pay or pay \$57.50?

As stated in the Star's retraction of a portion of its story, "The card obtained by Bruskin is merely a temporary permit to work." Why should Bruskin or anyone else be required to obtain a temporary permit to work? Let the Star answer that question. Let this House answer it.

The Star, in its partial retraction, further states:

In actual practice, it was explained today by union representatives, an agreement between the union, construction contractor, and the Quartermaster Corps has been reached under which all applicants who appear to fill the qualifications are issued temporary permits and put to work for 3 days without collection of any union fees.

Neither a union nor its officials has the moral or the legal right to determine who shall and who shall not work in aid of the national defense. It is only because the laws of the States, of the Federal Government, and the provisions of the constitutions of States and the Nation are disregarded and strong-arm methods permitted that this practice continues.

Men who do not belong to a union are not exempt from conscription. American citizens who do not belong to the union are not exempt from taxation. Union men are not the only ones who are subject to conscription, who pay taxes. Until members of a union are willing to take over and monopolize the duty of fighting for the country, of paying the taxes which support it, there is no justification for their attempting to create a monopoly as to jobs, the right to draw a wage from the Federal Treasury.

Let the Star, the Quartermaster Corps, or the union official explain just how, if citizens who do not belong to unions are to be deprived of jobs in Federal industry on the defense program, they are to pay their share of the tax which pays the wage of the union worker.

#### FURTHER INTERFERENCE WITH OUR DEFENSE PROGRAM IS INTENDED

There are two significant news items in the current press. One, made by the organizer of the C. I. O., is to the effect that a drive will be put on to force southern California aircraft factories, which have some \$800,000,000 worth of orders for military aircraft for the United States and Great Britain, and which employ 45,000 workers, to "raise pay \* \* \* up to automobile wage rates."

This means that aid to Great Britain is to be hindered, the cost of the domestic defense program skyrocketed, in order that these particular men may receive a higher wage. It means that a special class of wage earners working on a defense program is to be created.

What, may I ask, is to be the wage of the white-collar worker in store, in factory, in small business, throughout this land? What, may I inquire, is to be the wage of the farmer, upon whose efforts the feeding of all of these workers is dependent?

It is all very well for the gentleman from California [Mr. Voorhis] to say on the floor, as he said the other day, that the Vultee strike was justified because of low wages. But what about the other workers in the United States? Are the farmers throughout this land of ours to work, as many of them do work, for 10 cents or less an hour so that those in the motor industry, in the aircraft industry, may receive a minimum of 62½ or 80 cents per hour?

If the farmers of this Nation adopted the same theory and employed the same methods that some of these union officials and their supporters advocate and employ, those working in the motor industry and in the aircraft industry would find eggs costing 25 cents each and butter \$2 a pound.

Let us have a little reasonableness, a little fairness, a little equality, in our program. Talk about princes of special privilege, economic royalists. Compare, if you will, the less than

15 cents an hour wage of the agricultural worker in the United States with the more than 80 cents an hour wage in the motor industry. Compare the wage received in the motor industry, in the aircraft industry, with the compensation given the conscripted man, the individual who serves his country in the ranks.

I am not talking about cutting wages. I am talking about equality of wages, and I will be glad to hear something from the gentleman from California [Mr. Voorhis] along that line.

#### FURTHER SUBVERSIVE ACTIVITIES

The other statement carried by the press, which is significant and alarming, is to the effect that a drive is to be made to organize Ford, Bethlehem Steel, and other key industries.

What is the purpose of this drive, and by whom is it instigated? Under the National Labor Relations Act as it exists today there is no doubt whatever but that any group of employees can organize and bargain collectively through representatives of their own choosing. If the workers at the Ford Motor Co., at Bethlehem Steel, or in any other industry do not choose to avail themselves of the type of organization sponsored by the C. I. O., or to yield submission to the officials of that organization, why should that organization be permitted to force their views upon those hundreds of thousands of men who are now satisfied with their jobs and with their labor organizations?

Is the C. I. O. but waiting the inauguration of the Democratic Governor in Michigan in order to again invade that State, as it did in the General Motors sit-down strikes, which began with the inauguration of Governor Murphy? Is Michigan again to have an era of lawlessness, of the seizure of private property, the driving of men from their jobs, so that union officials can collect hundreds of thousands of dollars by way of dues and special assessments?

Are we to sit here idle day after day when we see plans maturing to close the plant of the Ford Motor Co., which has millions of dollars worth of orders, the execution of which is necessary for national defense? And do not forget that by labor itself—yes; by members of the C. I. O.—Ford was designated as the man who had done the most for labor in this country.

Are we to remain silent day after day while plans go forward to compel American taxpayers to give up a part of their earnings to an organization which seems to be interested only, not in national defense, not in the welfare of the country as a whole, but in obtaining for its members special privileges, compensation over and above that given to any other group?

Is the cost of our whole national-defense program to be doubled and the added burden thrown upon the shoulders of the taxpayer, who is deprived of an opportunity to serve his Government until he has paid tribute?

Is there back of this drive against Ford, against Bethlehem Steel, a deeper purpose, a purpose to cripple and render ineffective our whole defense program? Is one of the objectives aid and comfort to Hitler by the slowing up of our industries? [Applause.]

That taxpayers and citizens generally are awakening to what is happening, let me quote from just a few typical letters out of many received since Monday and which refer to H. R. 10698—the right-to-work bill. For obvious reasons the names of the writers are omitted. Quoting from these letters does not indicate that I either approve or disapprove of the writers' sentiments.

Here is one from Detroit, Mich.:

Why don't you make the bill to cover all instead of defense programs. You know there are a lot of us that are getting tired of paying the New Deal unions for the right to work. Enclosed find clipping which states that the Tennessee men are allowed to work if they can dig up \$10. We in the automobile industry can work if we pay the damn New Deal C. I. O. each month. I wish you would show this letter and clipping to the President and tell him we call this New Dealism and wish you good luck in your work.

Yours truly,

X DEMOCRAT.

The clipping is headed "Tallahoma, Tenn., November 8." It states, among other things, that more than 7,000 workmen are now employed on the Camp Peay Army cantonment proj-

ect; that the weekly pay roll is expected to approximate \$150,000. The initial fee for common labor has been reduced to \$10 for this project, and the workmen are permitted to make this payment within 2 weeks from date of employment. The union office for skilled workmen has been forced to move three times on account of their business interfering with traffic. Seven thousand workmen, if only common labor, at \$10 each, means \$70,000 for the union—tribute exacted for the privilege of working on a national-defense program.

Here is one from a New York City bricklayer, who was transferred from one W. P. A. job to another. He writes:

I was told by the bricklayer foreman that I would have to knock off because I was not a member of the bricklayers' union.

He made complaint; carried his appeal to the National Labor Relations Board; to the field officer; to the Army officer in charge; but he learned that even though he was on W. P. A. work in connection with an airport, a part of the national-defense program, he could not work unless he joined the union.

We have given many blank authorizations to the President of the United States. From what source do the union officials get their authority? Congress did not grant it to them. Did the President give it to them? Or do they just exercise it, while Congress and the executive department by their silence condone it?

Jacksonville, Fla.:

Congratulations from a lifelong Democrat of three generations. If you can keep those disloyal — from their un-American principles in this day of need, I promise you I will never vote anything but the Republican ticket from this day and forever.

Baltimore, Md.:

It certainly is time that some Member of Congress has awakened to the fact that unless we do something about these conditions very promptly and stop the present racketeering leadership, which is no doubt backed by some foreign power, this country will never be prepared for anything, regardless of the fact that we are spending billions for preparedness. There seems to be a peculiar silence in Washington.

Lynbrook, N. Y.:

I am surely in favor of men securing a fair compensation for their labor and good working conditions, but I think that it is a disgrace for our politicians to be so controlled by labor's votes that they are afraid to come out into the open and expose the labor racket.

Recently on Government work on Long Island a man had to be either a union man or make an application to join the union, pay a part of the initiation fee, and agree to pay part of each week's wages until the full amount due would be paid. Others could not get a job.

I have served 7½ years in Government service—am one of those that joined the service and learned a trade. Do you think I could get a job without paying union tribute?

In conclusion, let me state that there are thousands of men desirous of being free men in this country and feel that they should not be hampered by any organization in their right to work or forced to pay tribute to some group that they might join in labors that will uphold their principles and be of service to their country.

Montpelier, Vt.:

A friend of mine and myself, both in our early twenties, just returned from a job-hunting expedition along the Atlantic coast. We visited Portsmouth, N. H., where they are constructing 600 houses and numerous other places, and couldn't obtain employment because we did not have the \$25 to buy a union card in order to get a job.

Pittsburgh, Pa.:

We all have to share in taxpaying and our husbands should be given a chance, at least, to show if he is able to work. A man of 50 to 55 is as able to work as a man of 40.

Oakmont, Pa.:

I realize that some of the labor legislation now on the statute books of America has done a lot of good, but there is an urgent need for some balancing to be done.

No man can tell me that because I differ with another workman in my ideas that he should have the right to stand at the entrance to my factory where we both work and prevent me from going to my job, if I choose, by threatening me or my family with a club or other deadly weapon, and not only threaten me but carry out his threats and get away with it. If he can persuade me to see his viewpoint and get my support, all well and good, but when it comes to forcing me that is not what I believe true Americanism.

Now, then, there is the forced collection of dues to unions that claim a majority. \* \* \* Rackets have become so prevalent in



the union movement that a man that once belongs has nothing to say in a great many cases. He works on and does what he is told for fear of bodily harm. \* \* \* The only thing I object to in your resolution, Mr. HOFFMAN, is that it only covers defense industries.

#### Kent, Ohio:

The Federal Government came to locate one of their shell-loading arsenals about 12 miles east of here and selected some 21,000 acres for the reservation. \* \* \*

Applying for work, I found a notice nailed on the door of the farmhouse they were using for temporary headquarters that "only members in good standing in the American Federation of Labor would be employed."

I was told that all carpenters must pay \$100 into the A. F. of L. for membership union dues besides the monthly dues before being hired, and common laborers tamping ballast under ties on the trackage being put down to service the many buildings must pay \$15 and monthly dues of \$2 before they go to work. No one is hired outright but works on probation for first few weeks, and if let off after a few weeks of employment, as some 40 carpenters were the other day, then the A. F. of L. is ahead \$4,000.

I have no quarrel with any union \* \* \* but I think that these Federal jobs are paid for from the taxes of our American citizens for the defense of America and that any of us should be able to be free to apply and, if found competent, should be able to find ready employment without the membership in any organization being brought into the picture. \* \* \* I have paid hundreds, probably thousands of dollars, in taxes but must be idle.

#### Battle Creek, Mich.:

Positively you cannot work on the construction work at Fort Custer unless your dues are paid in full up to date. \* \* \* I'll furnish evidence to this statement. Also you won't need to be surprised if you find the United States Employment Bureau linked in with the union, for it is; also you will find one of the heads of the union was at one time eating off welfare and picketing a job being done for the Salvation Army. I am not guessing at that either. You will easily find that many of these men who have to pay to the union need the cash to keep body and soul together. I know several laid off by the union to make room for men who were not union men yet and started in with \$5 paid down, so much next pay day, and so on, until paid in full, and one fellow paid \$25 union dues and earned \$28 and he was out, and really, Mr. HOFFMAN, he borrowed the \$25. \* \* \* Now, how do I know all this? I am foreman for constructing quartermaster.

#### Tampa, Fla.:

Do you know at Tampa, Fla., months before they laid the keel of the first boats, organizers opened up an office in Tampa. The shipyard management would say, "You must go to see the union as we can't hire you." So the racketeers would then charge common labor \$30 to join, then \$2 a month dues. Mechanics had to pay much more.

#### Rockford, Ill.:

They are working the same racket, \$30 for laborers to work on the job, then dues every month. Carpenters, etc., have to pay \$100. Who gives these men the power to charge such a price for a man to work?

#### Pittsburgh, Pa.:

I am willing to take oath that every word I say is absolutely true and did happen to me. I was employed at the J. & I. Steel Corporation. This plant was and still is rolling steel for the Government. I was handed an application to join the C. I. O. with the expression that they thought I would do, provided I pay \$4. I cannot go into details of my expense at that time, but hospital and doctor records will bear me out that I could not afford this amount and the additional \$1 per month dues. I refused to join the C. I. O. and then the picket line was formed. I managed to get through the line three nights, but on the third night, six of these hoodlums were waiting for me outside the gate. \* \* \* then they proceeded to freeze me out; they would not allow me to work in the mill under any circumstances. They refused to allow any of their members to speak to me or give me any line-up on jobs to be welded.

I went to the Labor Board about this, but they claim they could do nothing about it. I ask the foreman for help and he said I or the company could do nothing. I am only one of several hundred who were forced to join the C. I. O. or quit.

If it meant anything to join this outfit I would of joined but I got 99 cents per hour as a nonunion welder and the union rate in the mill is 94 to 96 cents per hour.

My forefathers fought to fill this country, and to settle this grand country and I sure do feel pretty sore that foreigners and "reds" can come and dictate to me, when I am a born citizen.

#### Berkeley, Calif.:

During the last World War I worked in an emergency shipyard where the selfish tyrannical unionized element virtually controlled the yard and compelled a closed shop in that wartime, when 5 good godly ship carpenters and a good foreman were compelled to leave their employment by being laid off to please the union that threatened to strike because I refused to join their organization. \* \* \* It was a shame or a crime against national defense

then as all good ship carpenters were needed then building wooden vessels. Yes, sir; at the very time, the best of that town had volunteered and gone to serve as soldiers at \$1 a day wages. \* \* \* The heroes were fighting to protect their country, and the stay-at-home union slackers or shirkers and agitators were demanding closed-shop conditions at high wages and even had an orchestra-band organized to play at the lunch room hour for their unionized enjoyment.

Also in today's mail came a newspaper clipping stating that on the Logan Heights cantonment nonunion carpenters who came from distant places to work on the Government job were stranded in El Paso:

The nonunion carpenters are unable to get jobs despite an impending shortage of carpenters—

They said.

One union carpenter wrote the press:

I have been here nearly 3 weeks, and I know several more that have been here just as long as I have, and I have never worked an hour; neither have the others I speak of.

When I first came here, the natural thing to do was to go out to the job to see when I could go to work. On the job I was told to go to the Texas State employment-service office. There I was told to report to the carpenters' local union and get a permit and not to go to the job until the union called me.

Every few days I have either called the union or went out there in person to try to find out when I could go to work, but I do not know any more about it than I did when I first came here. After I had done everything that I was told to, I figured I would go right to work, so I spent the most of my ready cash replenishing my tool chest of tools I was short on. Now I am in debt for my board and room and can't very well leave; yet I can't stay unless I go to work.

I know of men who have come from as far away as Los Angeles long after I came here, yet they are working. The reason for that is they had union cards, and a lot of the rest of us didn't. That's all right; I have no quarrel with the union. I have paid almost \$200 in initiation fees myself, but don't have a card now.

BERKELEY, CALIF.

Here is one from a commanding lieutenant colonel, Inactive Reserve, Ordnance, United States Army:

On behalf of a man who was desirous of having employment in a national-defense industry, I called up the employment office of Moore Drydock Co., Oakland, whose executive officers are known to me. The employment office informed me that they—Moore's—being fully unionized, could only hire men sent to them by the unions.

#### PERMISSION TO ADDRESS THE HOUSE

Mr. COCHRAN. Mr. Speaker, I ask unanimous consent that at the conclusion of the previous special orders for today I may be permitted to address the House for 5 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

#### SPECIAL ORDER

The SPEAKER. Under the previous order of the House, the gentleman from Alabama [Mr. HOBBS] is recognized for 10 minutes.

Mr. HOBBS. Mr. Speaker, in this morning's Washington Post the leading editorial is a very apt and timely one, very well written, and has a great deal of meat and merit in it. At the same time, however, I think there is one generalization, or two, in the editorial that are unfortunate. Commenting upon the decision of the Supreme Court just handed down in a case arising in Harris County, Tex., it treats the practice condemned in Texas as though it were prevalent all over the South.

I quote:

By this means the Court is bringing very real pressure upon the Southern States to modify practices which all too frequently have mocked the concept 'equal justice under law.'

This may be true as to some States, but I am of opinion that there are several southern States in which there are no such practices to modify. In this opinion I may be mistaken; but even if I be, what good is done by condemning unheard States whose conduct in administering their jury laws is utterly dehors the record of the case under discussion? Does not the foregoing quotation show an error into which estimable gentlemen of the press sometimes fall by generalizing too broadly from a narrow base of one instance?

I am persuaded that there is no State—north, east, south, or west—that does not respect and seek to uphold the Constitution of the United States and every guaranty of it. When

one fails in some respect, is it not sufficient to point the moral if the comment be limited to the offender? I simply rise today to call attention to the fact that where there is only one case in which the decision of the Supreme Court has recently held that the guaranty of the fourteenth amendment has been denied in one county, in one southern State, a great editor immediately condemns the whole South for such practices.

Having the honor to represent a portion of one State in the South, I feel it my duty and esteem it a privilege to call attention to the fact that the State of Alabama and many other southern States have written into their jury laws guaranties that make absolutely certain respect for every guaranty contained in the Federal Constitution.

I am not going to take up the time of the House to go into detail, because that is not of particular interest. I wish to make it clear that I subscribe very cordially to many of the expressions in this editorial. But the cap that may fit the jury commissioners of 1 county out of the 254 counties of Texas may not fit elsewhere in Texas. It may not fit the State of Texas nor any other State. I do not think there is anything in the decision of the Supreme Court which, rightly interpreted, criticizes or condemns the law of Texas, except in one respect, and that is that the law of Texas which is quoted as a footnote to the opinion leaves almost unlimited discretion to the jury commissioners, and the Supreme Court says in this case that that discretion was abused in Harris County. It may be that the discretion is too wide and deep in the Texas statute.

That is not true in Alabama and, I think, in other southern States. Our law in Alabama, which has been considered a model, and which in my deliberate judgment, after a careful study of the jury systems of every nation on earth, is the best jury law ever devised by man, specifically requires a nonpartisan, nonpolitical jury commission the members of which can have no other office and who cannot be employed in any other public office, to place in the jury box and on the jury roll for jury service, both grand and petit, every male adult who possesses the qualifications there specified, to wit, that he is a man of character and intelligence, esteemed throughout his community for his honesty, intelligence, sound judgment, and high character.

It is the precursor of "the blue ribbon jury law" of New York which is admittedly accomplishing most beneficent results in the administration of justice in that great State.

Every man who possesses those qualifications is a juror; wholly without regard to race or color. Our jury commissioners sit as a court, oath-bound, and charged with the single duty of keeping the springs of justice pure. There is no discretion in our jury commissioners. The law prescribes the qualifications of those who are to sit in judgment on their fellows. Any man who meets the fixed qualifications must be listed for jury service. Some commissioners may have been recreant to their trust. I know of no such case. But, if so, neither Alabama, nor the South, should be held accountable.

Mr. Speaker, I ask unanimous consent to extend my remarks by including in them the editorial, the decision of the Supreme Court in the case of Edgar Smith, petitioner, against the State of Texas, and pertinent parts of the Alabama jury law.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The matters referred to are as follows:

#### EQUAL JUSTICE

Justice in the South is being greatly strengthened by Supreme Court decisions requiring the States to grant their citizens "the equal protection of the laws." A consistent line of opinions from the high bench has invalidated convictions or indictment of Negroes by juries from which members of that race have been systematically excluded. Now the Court has gone a step further by reversing the conviction of a Negro youth in Harris County, Tex., because the local officials made only a pretense at including Negroes in grand juries.

The reasoning of the Court, as outlined by Justice Black, is unassailable. "The fact that the written words of a State's laws hold out a promise that no such discrimination will be practiced is not enough," he writes. "The fourteenth amendment requires that equal protection to all must be given—not merely promised."

\* \* \* If there has been discrimination, whether accomplished

ingeniously or ingenuously, the conviction cannot stand." An essential element of "equal protection" is indictment or trial by a jury selected without prejudice against the defendant. Where Negroes are excluded from juries, or granted only token representation, the danger of unjust convictions becomes very real.

In effect the States have been put on notice that enforcement of their laws, so far as Negroes are concerned, can be attained only by systematic avoidance of racial discrimination in jury service. It is now crystal clear, thanks to the forthright stand the Supreme Court has taken, that convictions will not be upheld if any element of a fair and unprejudiced trial is omitted. By this means the Court is bringing very real pressure upon the Southern States to modify practices which all too frequently have mocked the concept "equal justice under law."

There is cause for general satisfaction every time the Constitution is thus invoked to protect minority rights. By this means the principles of democracy can be ever more firmly rooted in our political thought and practice. By this means State law-enforcement systems will be improved at their weakest points; nor should we overlook the fact that the constructive method by which the Supreme Court is dealing with this difficult problem is precisely the opposite from that prescribed by the unconstitutional anti-lynching bill. By such decisions the Court throws back upon the States full responsibility for correcting defects in their law-enforcement systems instead of breaking down that responsibility, as the anti-lynching bill would tend to do.

[Supreme Court of the United States. No. 33. October term, 1940. *Edgar Smith, petitioner v. The State of Texas*. On writ of certiorari to the Court of Criminal Appeals of the State of Texas. November 25, 1940]

Mr. Justice Black delivered the opinion of the Court.

In Harris County, Tex., where petitioner, a Negro, was indicted and convicted of rape, Negroes constitute over 20 percent of the population and almost 10 percent of the poll-tax payers; a minimum of from three to six thousand of them measure up to the qualifications prescribed by Texas statutes for grand-jury service. The court clerk, called as a State witness and testifying from court records covering the years 1931 through 1938, showed that only 5 of the 384 grand jurors who served during that period were Negroes; that of 512 persons summoned for grand-jury duty, only 18 were Negroes; that of these 18, the names of 13 appeared as the last name on the 16-man jury list, the custom being to select the 12-man grand jury in the order that the names appeared on the list; that of the 5 Negroes summoned for grand-jury service who were not given the number 16, 4 were given numbers between 13 and 16 and 1 was numbered 6; that the result of this numbering was that of the 18 Negroes summoned, only 5 ever served, whereas 379 of the 494 white men summoned actually served; that of 32 grand juries empaneled, only 5 had Negro members, while 27 had none; that of these 5, the same individual served 3 times, so that only 3 individual Negroes served at all; that there had been no Negroes on any of the grand juries in 1938, the year petitioner was indicted; that there had been none on any of the grand juries in 1937; that the service of Negroes by years had been: 1931, 1; 1932, 2; 1933, 1; 1934, 1; 1935, none; 1936, 1; 1937, none; 1938, none.

It is petitioner's contention that his conviction was based on an indictment obtained in violation of the provision of the fourteenth amendment that "No State shall \* \* \* deny to any person within its jurisdiction the equal protection of the laws." And the contention that equal protection was denied him rests on a charge that Negroes were in 1938 and long prior thereto intentionally and systematically excluded from grand-jury service solely on account of their race and color. That a conviction based upon an indictment returned by a jury so selected is a denial of equal protection is well settled<sup>1</sup> and is not challenged by the State. But both the trial court and the Texas Criminal Court of Appeals were of opinion that the evidence failed to support the charge of racial discrimination. For that reason the appellate court approved the trial court's action in denying petitioner's timely motion to quash the indictment.<sup>2</sup> But the question decided rested upon a charge of denial of equal protection, a basic right protected by the Federal Constitution. And it is therefore our responsibility to appraise the evidence as it relates to this constitutional right.<sup>3</sup>

It is part of the established tradition in the use of juries as instruments of public justice that the jury be a body truly representative of the community. For racial discrimination to result in the exclusion from jury service of otherwise qualified groups not only violates our Constitution and the laws enacted under it,<sup>4</sup> but is at war with our basic concepts of a democratic society and a representative government. We must consider this record in the light of these important principles. The fact that the written words of a State's laws hold out a promise that no such discrimination will be practiced is not enough. The fourteenth amendment requires that equal protection to all must be given—not merely promised.

<sup>1</sup> *Pierre v. Louisiana*, 306 U. S. 354; *Martin v. Texas*, 200 U. S. 316, 319; *Carter v. Texas*, 177 U. S. 442, 447.

<sup>2</sup> 139 Tex. Crim. —; 136 S. W. (2d) 842.

<sup>3</sup> *Chambers v. Florida*, 309 U. S. 227, 228; *Pierre v. Louisiana*, 306 U. S. 354, 358; *Norris v. Alabama*, 294 U. S. 587, 590.

<sup>4</sup> "No citizen possessing all other qualifications \* \* \* shall be disqualified for service as grand or petit juror in any court of the United States, or of any State, on account of race, color, or previous condition of servitude \* \* \*." 18 Stat. 336, 8 U. S. C., sec. 44.



Here the Texas statutory scheme is not in itself unfair; it is capable of being carried out with no racial discrimination whatsoever.<sup>5</sup> But by reason of the wide discretion permissible in the various steps of the plan, it is equally capable of being applied in such a manner as practically to prescribe any group thought by the law's administrators to be undesirable. And from the record before us the conclusion is inescapable that it is the latter application that has prevailed in Harris County. Chance and accident alone could hardly have brought about the listing for grand-jury service of so few Negroes from among the thousands shown by the undisputed evidence to possess the legal qualifications for jury service. Nor could chance and accident have been responsible for the combination of circumstances under which a Negro's name, when listed at all, almost invariably appeared as No. 16, and under which No. 16 was never called for service unless it proved impossible to obtain the required jurors from the first 15 names on the list.

The State argues that the testimony of the commissioners themselves shows that there was no arbitrary or systematic exclusion. And it is true that 2 of the 3 commissioners who drew the September 1938 panel testified to that effect. Both of them admitted that they did not select any Negroes, although the subject was discussed, but both categorically denied that they intentionally, arbitrarily, or systematically discriminated against Negro jurors as such. One said that their failure to select Negroes was because they did not know the names of any who were qualified and the other said that he was not personally acquainted with any member of the Negro race. This is, at best, the testimony of 2 individuals who participated in drawing 1 out of the 32 jury panels discussed in the record. But even if their testimony were given the greatest possible effect, and their situation considered typical of that of the 94 commissioners who did not testify, we would still feel compelled to reverse the decision below. What the fourteenth amendment prohibits is racial discrimination in the selection of grand juries. Where jury commissioners limit those from whom grand juries are selected to their own personal acquaintance, discrimination can arise from commissioners who know no Negroes as well as from commissioners who know but eliminate them. If there has been discrimination, whether accomplished ingeniously or ingenuously, the conviction cannot stand.

Reversed.

#### SECTIONS 8603 AND 8605 OF THE CODE OF ALABAMA

8603. Qualifications of persons placed on jury roll and in jury box: The jury commission shall place on the jury roll and in the jury box the names of all male citizens of the county who are generally reputed to be honest and intelligent men, and are esteemed in the community for their integrity, good character, and sound judgment; but no person must be selected who is under 21 or over 65 years of age, or who is an habitual drunkard, or who, being afflicted with a permanent disease or physical weakness, is unfit to discharge the duties of a juror, or who cannot read English, or who has ever been convicted of any offense involving moral turpitude. If a person cannot read English, and has all the other qualifications prescribed herein and is a freeholder or householder, his name may be placed on the jury roll and in the jury box (act of 1909, p. 305).

8605. Persons exempt from jury duty: The following persons are hereby exempt from jury duty, unless by their own consent: Judges of the several courts; attorneys at law during the time they practice their profession; officers of the United States; officers of the executive departments of the State government; sheriffs and their deputies; clerks of the courts and county commissioners; regularly licensed and practicing physicians, dentists, or pharmacists; teachers of public or private schools while actively engaged in their profession; officers and regularly licensed engineers of any boat plying the waters of this State; train dispatchers, railroad station agents, telegraph operators when actually engaged and in charge of any office; regularly licensed embalmers while actually engaged in their profession; and rural and city or town mail carriers while engaged in their work (act of 1909, as amended, 1923 and 1927).

Mr. HOBBS. In conclusion, may I not appeal to the membership of the House and to the general public, especially our friends of the fourth estate: Give us a chance. Visit upon us condemnation for our sins whenever blame is due, but be not hasty with generalizations that would bring into condemnation those who deserve none. Generalizations are not always fair, and I am sure the press always desires to be fair.

In that faith, I have the temerity to make this plea. [Applause.]

<sup>5</sup> The statutory scheme is set out in the Texas Code of Criminal Procedure, arts. 333-350. At each term of court, 3 grand-jury commissioners are appointed; at the time they are sworn in the judge instructs them as to their duties; they are required to take an oath not knowingly to select a grand juror whom they believe unfit or unqualified; they must then retire to a room in the courthouse, taking the county assessment roll with them; while in that room they must select a grand jury of 16 men from different parts of the county; they must next seal in an envelope the list of the 16 names selected; 30 days before court meets the clerk is required to make a copy of the list and deliver it to the sheriff; thereupon the sheriff must summon the jurors.

The SPEAKER. Under previous order heretofore entered the gentleman from Missouri [Mr. COCHRAN] is recognized for 5 minutes.

#### THE WALTER-LOGAN BILL

Mr. COCHRAN. Mr. Speaker, this morning following the remarks of the distinguished gentleman from Texas, the chairman of the Committee on the Judiciary [Mr. SUMNERS], I stated that the bill providing for a review of administrative decisions by Federal courts was born in the mind of an enemy of this administration, a man who wanted to see the progressive laws that we have enacted destroyed. I did not at the time mention this man's name. The gentleman from Pennsylvania [Mr. WALTER] challenged my statement as he did when the bill was under consideration in the House. He declined to yield to me so that I could tell him the name of the man. The name of that man is O. R. Maguire, a former attorney in the General Accounting Office. He took the original bill to the late Senator Logan, of Kentucky, and Senator Logan introduced the bill. If he was not the first, he was one of the first witnesses to appear before the Judiciary Committee of the House in support of the bill, as the hearings will show.

Mr. Maguire sold his idea to the American Bar Association. He traveled around the country making speeches in support of his idea and in my own State—

Mr. CHURCH. Will the gentleman yield?

Mr. COCHRAN. Not just now. After I have concluded my statement I will yield if I have time. He was in my own State. A scheme of propaganda seldom equalled, in my long experience in Congress, was devised to put this measure over. First the letters came to us from lawyers throughout the United States. Then the lawyers had their clients, businessmen, write us in behalf of this legislation. I received letters the same as you did. When some of the letters came from businessmen, friends of mine, I wrote them and asked them what they knew about the legislation, and invariably I received the same reply "I know nothing about it. I was asked to write the letter by our attorney."

The gentleman from Pennsylvania [Mr. WALTER] stated that Senator NORRIS advocated legislation of this character. It is true that years ago Senator NORRIS expressed the idea that there should be some appeal from some administrative decisions. Senator NORRIS' idea was carried out by the Congress of the United States when the Congress itself provided for appeals to the Federal courts in reference to some administrative decisions. Those laws are still on the statute books as you are aware. I can speak with authority, because since the gentleman from Pennsylvania [Mr. WALTER] made his statement about Senator NORRIS, I have checked up, and I can say now without fear of contradiction that Senator NORRIS opposed the original Walter-Logan bill, he opposed the bill as it passed the House and he opposes the bill as it passed the Senate with the amendments the other day that the gentleman from Texas [Mr. SUMNERS] desires to agree to.

It is not the senior Senator from Nebraska [Mr. NORRIS] who is so anxious to have this bill passed. It is the junior Senator from Nebraska [Mr. BURKE], the one who but recently changed his party affiliation from Democrat to Republican, who wants this bill passed. So far as I am concerned, I am going to scrutinize with extreme care any legislation advocated by the junior Senator from Nebraska [Mr. BURKE] which affects New Deal legislation.

To prove my statement that Mr. Maguire is an enemy of this administration, let me say that during the 1932 campaign he went among the civil-service employees of the General Accounting Office and collected money from them for the Republican National Committee to assist in the election of Mr. Hoover. When this information reached the Civil Service Commission—it is a matter of record, I am not making these charges myself—the Commission called Mr. Maguire before them and required Mr. Maguire to return every dollar of that money to those civil-service employees. When he did they agreed to close the case, but they wrote a letter to the then Comptroller General, Mr. McCarl, himself a Republican, and

instructed Mr. McCarl to advise Mr. Maguire that he should familiarize himself with the law and the rules and regulations and not again violate them, because if he did, he would be removed from the service. He remained in the service under Mr. McCarl, but when former Senator Brown was made Acting Comptroller General it was not long until Mr. Maguire resigned.

Now, what is the situation before us? We find that the Senate calls up a bill with approximately 3½ pages of amendments, pages in the CONGRESSIONAL RECORD, and passes the bill without one word of explanation in reference to a single one of the amendments.

[Here the gavel fell.]

Mr. COCHRAN. Mr. Speaker, I ask unanimous consent to proceed for 5 additional minutes.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. COCHRAN. The Senate, remember, passed that bill without one word of explanation in the Senate by any one Senator as to the changes made in the House bill. The bill was passed after Senator BARKLEY made a statement as to why he thought it was not sound business to consider the bill at this time. It comes to us messaged over this morning, and immediately the distinguished gentleman from Texas [Mr. SUMNERS] asked to concur in the Senate amendments. But who knows what is in the Senate amendments? Not many Members who were here this morning knew what the Senate amendments were. Still they were ready to agree by supporting the request of the gentleman from Texas.

I realize I am in the minority. I was in the minority when I opposed this bill on the floor of the House. There are times when those in the minority are right.

I have followed the distinguished gentleman from Texas [Mr. SUMNERS] time and again when I thought he was right, but I did not hesitate to oppose him when I thought he was wrong; and I say now in my opinion he is wrong today when he attempts to put legislation of such vast importance through this body without due consideration and without waiting for the report of the committee which was appointed by the Attorney General at the request of the President of the United States to consider this very subject. You have not had such legislation in over 150 years. A month or two delay now surely will do no harm.

The gentleman from Pennsylvania [Mr. WALTER] said this special committee appointed by the Attorney General has held only one meeting. He does not know what he is talking about, nor does he know anything about Mr. Walter Gellhorn. He attacked Mr. Gellhorn when this bill was under consideration in the House. It so happens that I never met the gentleman in my life, but he did come from my home city, St. Louis. I know his mother and I know his father. He, however, has the reputation of being one of the outstanding professors of Columbia University, where he occupies a chair and where he is today. He secured a leave of absence to come to Washington to help make this investigation for the committee headed by Dean Acheson. Mr. Gellhorn has been meeting with this committee. He has been the director, I think. I say this committee has been meeting. It has met several times this month. It met during October. It met in September. It met in August. How do I know? Because since Mr. WALTER made the statement I checked up and found that it has been meeting. It has another meeting set for next week and will soon submit its report to the Attorney General.

I have checked up on the statement of the gentleman from Pennsylvania [Mr. WALTER] that Judge Pecora resigned from the Lawyers' Guild after Mr. Gellhorn had made a speech. I find it is true that Mr. Gellhorn did make a speech before the Lawyers' Guild, but I also find that it was a technical analysis of what is needed in connection with administration law. Consult those who know Mr. Gellhorn, and they will tell you he ranks among the foremost professors of administration law in the United States. One gentleman who heard that speech said he was confident if the gentleman from Pennsylvania [Mr. WALTER] had heard it, he would

have considered it an argument for legislation of this character, but, of course, Mr. Gellhorn at the time did not refer to this or any other bill. He addressed himself to the subject. It so happens the relations between Judge Pecora and Mr. Gellhorn are excellent, according to the information I received. Look over the high caliber of the men who make up this committee, leave Mr. Gellhorn out if you desire, and then find someone who will attack that committee. You just cannot find anyone.

The committee is now preparing its report. It was not Mr. Gellhorn's speech that caused Judge Pecora to resign. When that report is ready, of course, it will come to the Judiciary Committee of the House.

Would it not be better for us to wait until January and get the report of this committee, find out what they think should be in a law of this character, and then consider it, or go ahead and agree to three and one-half pages of Senate amendments without knowing what is in the Senate amendments and the effects they will have?

I stated that if the gentleman from Texas exercises his right on Monday, which he said he proposed to do, and asked that this House agree to the Senate amendments, I would ask that a quorum be present. I meant what I said then and I mean it now, but I urge the gentleman from Texas not to require me to embarrass so many of our colleagues who are not here by asking for a quorum on Monday. I hope that he will come here on Monday and ask that this bill be sent to conference. That is the proper procedure. Why should it not be sent to conference? The Senate, after the passage of the bill, requested a conference with the House. It was granted by the Senate. Senate conferees have been appointed and are ready to go into conference with the House. The conferees might be able to bring back some agreement that we could accept without feeling it was going to destroy progressive legislation that has been placed on the statute books in the last 8 years. One of the laws which our distinguished Speaker was responsible for—the Securities and Exchange Act—would be affected by this legislation as it stands today.

Mr. CHURCH. Will the gentleman yield?

Mr. COCHRAN. Mr. Speaker, I hope the gentleman from Texas will follow the usual procedure of this House in handling important legislation and on Monday ask that this bill go to conference. I am perfectly willing for the bill to go to conference. I will wait to see what is brought back here before I arrive at a decision.

I now yield to the gentleman from Illinois [Mr. CHURCH].

Mr. CHURCH. I know the gentleman wants to be fair. He made a statement awhile ago that Mr. Maguire sold his ideas to the American Bar Association. I do not know Mr. Maguire, but I do not believe the gentleman meant to say that.

Mr. COCHRAN. Of course, I did not mean he received a monetary consideration for his idea.

Mr. CHURCH. You did not mean to imply anything dishonest to the American Bar Association or to any of its members?

Mr. COCHRAN. Certainly not. When I said "sold" I did not mean to infer that he received anything. He convinced them his idea was worth supporting. By no means did I attack Mr. Maguire's integrity by that statement. Of that the gentleman from Illinois can be assured, and I thank him for calling my attention to my remark.

[Here the gavel fell.]

Mr. MICHENER. Mr. Speaker, I ask unanimous consent that the gentleman may proceed for 1 additional minute.

The SPEAKER. Is there objection to the request of the gentleman from Michigan [Mr. MICHENER]?

There was no objection.

Mr. MICHENER. Will the gentleman yield?

Mr. COCHRAN. I yield to the gentleman from Michigan.

Mr. MICHENER. The gentleman opposed this bill when it was before the House?

Mr. COCHRAN. Yes.

Mr. MICHENER. The gentleman did so with all the might he had?



Mr. COCHRAN. Yes.

Mr. MICENER. And the House passed the bill by 282 to 97.

Mr. COCHRAN. Why?

Mr. MICENER. The gentleman has been here a long time, he is a very distinguished Member, he knows how to get legislation through the House, and he knows also how to kill legislation. As a matter of fact, the gentleman knows, does he not, that the very purpose of sending this bill to conference—if it goes to conference—is to kill the bill? That is what the gentleman, along with his 96 colleagues out of a membership of 435, wants to do?

Mr. COCHRAN. I will be honest with the gentleman. I would be most pleased if I could find a way to kill the bill. Let the conferees bring back a bill that is not so objectionable, one that we may be able to improve on in the future, one that will not be so obnoxious as this one, one not so drastic, and I probably would not make a point of no quorum, but I am not going to agree to two or three pages of Senate amendments that no one today knows what they are.

Mr. MICENER. The gentleman wants to be fair and he is distinguished for his tolerance. He says he will be honest with me. The House required no such assurance from the gentleman from Missouri. It would be impossible for him to be otherwise now, when he realizes that 282 Members thought one way and he and a few others thought the other way about this bill. Is there not a possibility that the gentleman from Missouri and his few colleagues might be in error? Could that not have happened?

Mr. COCHRAN. There might be a possibility also that the 282 were influenced by the letters received from lawyers and businessmen, while I was not.

[Here the gavel fell.]

#### ADJOURNMENT OVER

Mr. COOPER. Mr. Speaker, I ask unanimous consent that when the House adjourns next Monday it adjourn to meet on the following Thursday.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee [Mr. COOPER]?

There was no objection.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. BLOOM, indefinitely, on account of important official business.

To Mr. HULL (at the request of Mr. GEHRMANN), indefinitely, on account of illness.

To Mr. SCRUGHAM, for 3 weeks, on account of official business.

To Mr. DUNN, for 1 day, on account of illness.

To Mr. ROMJUE, indefinitely, on account of illness in his family.

#### EXTENSION OF REMARKS

Mr. JARMAN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include a table discussed in the remarks.

The SPEAKER. Is there objection to the request of the gentleman from Alabama [Mr. JARMAN]?

There was no objection.

Mr. PATRICK asked and was given permission to revise and extend his own remarks in the RECORD.

#### ENROLLED BILLS SIGNED

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H. R. 10465. An act to amend an act entitled "An act to punish the willful injury or destruction of war material, or of war premises or utilities used in connection with war material, and for other purposes," approved April 20, 1918.

The Speaker announced his signature to an enrolled bill of the Senate of the following title:

S. 4373. An act to amend the act of June 25, 1938, entitled "An act extending the classified civil service to include post-

masters of the first, second, and third classes, and for other purposes."

#### ADJOURNMENT

Mr. COOPER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 2 minutes p. m.), under its previous order, the House adjourned until Monday, December 2, 1940, at 12 o'clock noon.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2032. A letter from the Secretary of War, transmitting a report of awards made under the act of March 5, 1940 (Public, No. 426, 76th Cong.); to the Committee on Military Affairs.

2033. A letter from the Secretary of War, transmitting a report of awards made under the act of March 5, 1940 (Public, No. 426, 76th Cong.); to the Committee on Military Affairs.

2034. A letter from the Secretary of War, transmitting a report of awards made under the act of March 5, 1940 (Public, No. 426, 76th Cong.); to the Committee on Military Affairs.

2035. A letter from the Acting Secretary of the Interior, transmitting one copy each of the legislation passed by the Municipal Council of St. Thomas and St. John; to the Committee on Insular Affairs.

2036. A letter from the Acting Secretary of the Interior, transmitting one copy each of the legislation passed by the Municipal Council of St. Croix; to the Committee on Insular Affairs.

2037. A letter from the Acting Secretary of Commerce, transmitting a report that the film described in House Report No. 1067, Seventy-sixth Congress, first session, was transferred to the National Bureau of Standards for experimental purposes; to the Committee on the Disposition of Executive Papers.

#### REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. KEOGH: Committee on Claims. S. 3729. An act for the relief of Hjalmar M. Seby; with amendment (Rept. No. 3070). Referred to the Committee of the Whole House.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CELLER:

H. R. 10702. A bill to record the lawful admission to the United States for permanent residence of certain aliens who have lawfully entered the United States upon visitors' permits and are refugees from or unable to return to their country of origin by reason of the emergency created by the existing war in Europe; to the Committee on Immigration and Naturalization.

By Mr. COLE of Maryland:

H. R. 10703. A bill authorizing the State of Maryland, by and through its State roads commission or the successors of said commission, to construct, maintain, and operate a free highway bridge across the Potomac River at or near Sandy Hook, Md., to a point opposite in Virginia; to the Committee on Interstate and Foreign Commerce.

By Mr. CULLEN:

H. R. 10704 (by request). A bill to amend the Tariff Act of 1930, as amended by section 34 (c) of the Customs Administrative Act of 1938 (U. S. C., 1934 ed., Supp. IV, title 19, sec. 1001, par. 1529 (a)); to the Committee on Ways and Means.

H. R. 10705 (by request). A bill to amend section 402 (c) of the Tariff Act of 1930, as amended, and for other purposes; to the Committee on Ways and Means.

By Mr. ELSTON:

H. R. 10706. A bill to create a War Resources Administration, and for other purposes; to the Committee on Military Affairs.

By Mr. SMITH of Virginia:

H. R. 10707. A bill amending the Criminal Code by prohibiting acts of sabotage with respect to the performance of national-defense contracts, and by prohibiting certain unwarranted practices in relation to strikes and lockouts in connection with national-defense contracts, and for other purposes; to the Committee on the Judiciary.

By Mr. HOFFMAN:

H. R. 10708. A bill to promote the national defense and to eliminate certain oppressive labor practices affecting the national-defense program, and for other purposes; to the Committee on the Judiciary.

H. Res. 639. Resolution requesting certain information from the Secretary of War; to the Committee on Military Affairs.

#### PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

9391. By Mrs. ROGERS of Massachusetts: Petition of the Massachusetts State Guard Veterans, urging an amendment that will include State guard veterans in the act that exempts veterans on Work Projects Administration employment from the 30-day provisions; to the Committee on Ways and Means.

9392. By the SPEAKER: Petition of the governmental affairs committee of the St. Louis County Junior Chamber of Commerce, petitioning consideration of their resolution with reference to legislation concerning the electoral college; to the Committee on Election of President, Vice President, and Representatives in Congress.

### SENATE

FRIDAY, NOVEMBER 29, 1940

(Legislative day of Tuesday, November 19, 1940)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The Chaplain, Rev. Z. Barney T. Phillips, D. D., offered the following prayer:

Almighty God, creator and preserver of all mankind, giver of all spiritual grace, author of everlasting life: As again Thou has folded back the mantle of night to clothe the world in the golden glory of the day, do Thou drive away all gloomy thoughts and make us glad with the brightness of hope shed abroad in our hearts by the indwelling of Thy blessed spirit. Grant that we may effectively aspire to those hitherto unattained virtues which alone can mellow our judgment and enable our lives to enforce the well-tempered utterances of our lips.

From the depths of our understanding hearts we beseech Thee to comfort and sustain, in these hours of tragic sorrow, our beloved friend and colleague and those nearest and dearest to him. May the sacrament of our sympathy be the earnest and pledge of Thy tender love as revealed in Him who bears our grief and carries our sorrows, even Jesus Christ, Thy Son, our Lord. Amen.

#### THE JOURNAL

On request of Mr. BARKLEY and by unanimous consent, the reading of the Journal of the proceedings of the calendar day of Tuesday, November 26, 1940, was dispensed with, and the Journal was approved.

#### ENROLLED BILLS PRESENTED

Mrs. CARAWAY, from the Committee on Enrolled Bills, reported that on November 22, 1940, that committee presented to the President of the United States the following enrolled bills:

S. 1433. An act to add certain lands to the Siuslaw National Forest in the State of Oregon;

S. 1681. An act to amend section 107 of the Judicial Code, to redistrict the State of Tennessee, to provide the duties and powers of the district judges of the State of Tennessee, and for other purposes;

S. 3133. An act for the relief of the Cherokee Indian Nation or Tribe, and for other purposes;

S. 3991. An act to authorize the disposal of tools and equipment on the New England hurricane damage project;

S. 4107. An act to transfer the jurisdiction of the Arlington Farm, Va., to the jurisdiction of the War Department, and for other purposes;

S. 4224. An act to authorize the discontinuance of professional examinations for promotion in the Regular Army of officers of the Medical, Dental, and Veterinary Corps;

S. 4311. An act to amend the Agricultural Adjustment Act of 1938, as amended, and for other purposes; and

S. 4374. An act to amend the Agricultural Adjustment Act of 1938.

#### MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Latta, one of his secretaries, who also announced that the President had approved and signed the following acts:

On November 22, 1940:

S. 4374. An act to amend the Agricultural Adjustment Act of 1938.

On November 25, 1940:

S. 1433. An act to add certain lands to the Siuslaw National Forest in the State of Oregon;

S. 3991. An act to authorize the disposal of tools and equipment on the New England hurricane-damage project; and

S. 4311. An act to amend the Agricultural Adjustment Act of 1938, as amended, and for other purposes.

On November 27, 1940:

S. 1681. An act to amend section 107 of the Judicial Code, to redistrict the State of Tennessee, to provide the duties and powers of the district judges of the State of Tennessee, and for other purposes; and

S. 3133. An act for the relief of the Cherokee Indian Nation or Tribe, and for other purposes.

#### MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Callo-way, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the President pro tempore:

S. 4373. An act to amend the act of June 25, 1938, entitled "An act extending the classified civil service to include postmasters of the first, second, and third classes, and for other purposes; and

H. R. 10465. An act to amend an act entitled "An act to punish the willful injury or destruction of war material or of war premises or utilities used in connection with war material, and for other purposes," approved April 20, 1918.

#### CREDENTIALS

The PRESIDENT pro tempore laid before the Senate the credentials of JAMES M. TUNNELL, duly chosen by the qualified electors of the State of Delaware a Senator from that State for the term beginning January 3, 1941, which were read and ordered to be filed.

He also laid before the Senate the credentials of HAROLD H. BURTON, duly chosen by the qualified electors of the State of Ohio a Senator from that State for the term beginning January 3, 1941, which were read and ordered to be filed.

Mr. STEWART presented the credentials of KENNETH D. MCKELLAR, duly chosen by the qualified electors of the State of Tennessee a Senator from that State for the term beginning January 3, 1941, which were read and ordered to be filed.

#### AWARDS OF QUANTITY CONTRACTS FOR THE ARMY

The PRESIDENT pro tempore laid before the Senate a letter from the Secretary of War, reporting, pursuant to law, relative to divisions of awards of certain quantity contracts for aircraft, aircraft parts, and accessories thereof entered into with more than one bidder under authority of law, which was referred to the Committee on Military Affairs.